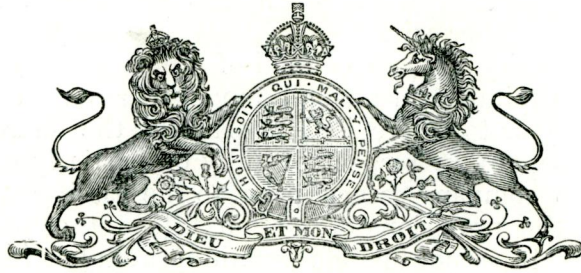


New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. 71, 1912.

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto. [Assented to, 20th December, 1912.]

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

Preliminary.

1. This Act may be cited as the "Gas Act, 1912," and except Short title. as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen.

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2.

Gas.

Definitions.

- 2.** In this Act, unless the context requires another meaning,—
- “Gas company” means any company, corporation, firm, or person supplying any gas for lighting, heating, motive power, or other purpose, and disposing of the same for profit, and includes a local authority which supplies gas in competition with any such company, corporation, firm, or person.
- “Gasworks” means works of a gas company, and the works connected therewith.
- “Local authority” means council of a municipality or shire.
- “Original capital” means all moneys paid or to be paid, or credited or to be credited as paid, by the shareholders of a gas company in respect of fully or partially paid up shares in such company issued prior to the passing of this Act, or under the provisions of section fifteen thereof, but save as aforesaid does not include premium capital or reserves created after the passing of this Act.

*Application of Act.*Application of Act,
Schedule One.

- 3.** This Act applies to all gas companies which do at the commencement of this Act, or may at any time thereafter, supply gas: Provided that clauses fifteen to twenty inclusive shall not apply to any company until it has been included in Schedule One to this Act, or any addition to that Schedule.

*Testing of gas.*Illuminating power
and purity of gas.
Schedule Two.

- 4.** (1) The quality of the gas supplied by a gas company shall, with respect to its illuminating power, be such as to produce at a testing-place provided in conformity with this Act, when burned at the rate of five cubic feet per hour, a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, each consuming one hundred and twenty grains of sperm per hour, and in making the test, two candles shall be used together.

Such gas with respect to its heating power shall be not less than five-hundred British thermal units.

Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto, which may be amended from time to time by proclamation in the Government Gazette :

Schedule Three.

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

- (3) A gas company shall provide testing-places at places approved by the Minister, which shall be on the lands of the company, and

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and shall not except by agreement between the Minister and the company, exceed three in number, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and repair.

(4) The method of testing shall be as prescribed by Schedule Four. Schedule Four to this Act, which may be amended from time to time by proclamation in the Government Gazette :

Provided that if any gas company affected by any amendment of Schedule Two or Four signifies its disapproval of such amendment by notice in writing to the Minister within fourteen days of the proclamation in the Gazette of such amendment, the same shall not take effect unless or until a district court judge appointed for the purpose shall have held a public inquiry, and allowed such amendment: Provided that due notice shall be given of the holding of such inquiry to the Minister and to the gas companies affected who may be represented thereat.

5. If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the company shall be liable to penalties as follows :—

For the first half of a candle of defective power, not exceeding forty shillings.

For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred pounds :

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

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

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

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

Provided also that the average of the testings made at such testing-place on that day, and on the preceding and on the following day shall be deemed to represent the purity of such gas on such day at such testing-place,

Pressure

*Gas.**Pressure of gas.*

Pressure of gas.

7. (1) Unless a gas company shall be prevented by accident or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs to or making connections with such mains, all gas supplied by a gas company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all reasonable facilities for making the test.

For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

Testing of meters.

8. No meter shall be issued for use by a gas company until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

Regulations.

9. The Governor may cause to be published in the Government Gazette regulations providing for the testing, stamping, and examination of meters, the registration by and regulation of meters, and any matters incidental thereto.

Penalty for defect in pressure.

10. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds :

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

Saving as to penalties.

Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect of illuminating power, excess of impurity in the gas supplied by such company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company.

Gas

*Gas.**Gas examiners.*

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

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

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

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

13. A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. Standard rate of dividend.

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

- (1) The companies specified in Schedule One hereto are hereby authorised and empowered within six months from the passing

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passing of this Act by resolution of the shareholders in general meeting to capitalise the whole or any part of their reserves and premium capital, and may for that purpose—

- (a) distribute the whole or any portion of such reserves and premium capital in the form of fully paid shares amongst the shareholders in proportion to the shares held by them respectively ; and
 - (b) create and issue as fully paid amongst its shareholders in the like proportion, new shares to the nominal value of the reserves and premium capital to be distributed.
- (2) Any other gas company may in like manner capitalise the whole of its reserves and premium capital within six months from the date of its inclusion in Schedule One hereto.
- (3) All shares created and issued under the provisions of this section shall be deemed to be "original capital" for the purposes of this Act :

Provided nevertheless that the amount of premium capital and reserves which may be so capitalised by the Australian Gaslight Company shall not exceed the sum of four hundred and twenty-five thousand pounds.

Special purposes fund.

Special purposes fund.

16. (1) The directors of a gas company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to two per centum of the paid-up capital of the company, inclusive of premiums, to a fund to be called "the special purposes fund."

Application of the fund.

(2) The special purposes fund shall be applicable only to meet such charges as are certified to by a public accountant being the auditor of the company, or at the option of the Minister by such public accountant as may be appointed for that purpose by the Auditor-General, as being—

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

Maximum amount of fund.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the company inclusive of premiums.

(4)

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

(5) Resort may from time to time be had to the special Savings. purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

Reserve fund.

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

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

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

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

Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund.

Divisible profits account.

18. If the clear profits of the company in any year Divisible profits account. after providing for all expenses properly chargeable to revenue, amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be carried to the credit of the divisible profits of such company for the next following year: Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the standard rate.

Distribution

*Gas.**Distribution of profits.*

Distribution of
profits.

19. The profits of the company shall not be utilised in any other way than to provide for a special purposes fund, a reserve fund, and a divisible profits account as hereinbefore provided, and for the purposes mentioned in section twenty. Any company paying moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which, after such conviction, such moneys are retained in any such account.

Sliding scale.

Standard price of
gas.

Schedule One.

20. Notwithstanding anything contained in any Act or any memorandum or articles of association, the standard price to be charged by a gas company for gas supplied by it to private consumers by meter shall be at the rate set out in Schedule One hereto :

Provided that if at any time after the first day of January, one thousand nine hundred and thirteen, the cost of production of gas is increased above the total cost of production at that date by reason of any alteration in labour conditions, including wages, by any award made under the Industrial Arbitration Act, 1912, or any Act amending the same, the gas company, whose cost of production is so increased, shall be entitled to have the standard price of its gas increased by proclamation in manner hereinafter provided by one penny per thousand cubic feet for every penny by which the cost of producing one thousand cubic feet of gas is increased as aforesaid.

Upon the auditor of any gas company certifying to the Minister that the cost of production of the gas of such company has been increased as aforesaid, to the extent of at least one penny per thousand cubic feet, the Minister shall, with all reasonable despatch, cause an inquiry, at which the Minister and the gas company may be represented, to be held by a Supreme or District Court Judge, and if such judge shall certify that the cost of production has been so increased, the Governor shall forthwith, by proclamation in the Government Gazette, increase the standard price by one penny per thousand cubic feet in respect of every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been increased ; and, further, provided that where the standard price has been increased as aforesaid with respect to any gas company, the Minister may at any time, and from time to time, cause a further inquiry to be held in the manner as aforesaid, and if such judge shall certify that the cost of production has been decreased by reason of an alteration in labour conditions, including wages by any award made under the Industrial Arbitration Act, 1912, or any

Act

Gas.

Act amending the same, the Governor shall forthwith, by proclamation in the Government Gazette, decrease the standard price in respect of the said company by one penny per thousand cubic feet for every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been decreased; but so that such decrease shall at no time reduce the standard price in respect of such company below that stated in Schedule One. No proclamation under either of the above provisoes shall be made with respect to any company within six months after the date of the last of such proclamations affecting such company:

Provided that the company shall reduce the price so charged by them for gas, below the standard price, in proportion to any increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

Where a reduction in the price of gas is made by the company for six months only of any year, the dividend payable by the company for such year may, in respect of each penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds. And in respect of any year during the whole of which the price charged by the company has been one penny or part of a penny above the standard price the dividend payable by the company shall in respect of each penny or part of a penny by which the standard price has been exceeded, be reduced below the standard rate of dividend by five shillings on every one hundred pounds of paid-up capital and so in proportion for any fraction of one hundred pounds.

Where any increase in the price of gas is charged by the company for six months only of any year, the dividend payable by such company for such year shall in respect of each penny of such increase be reduced by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

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Issue of additional shares.

Issue of additional shares.

21. Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

- (a) All shares so to be issued shall be offered for sale by public auction or tender.
- (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or after the last day for the receipt of tenders, as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this

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this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.

- (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.

Accounts and audit.

22. Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as near as may be in the form, and containing the particulars specified in Schedule Five hereto or as near thereto as circumstances will permit.

Annual statement
of accounts.

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

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

23. (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts.

Examination and
audit of accounts.

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

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instrument, or to answer any such question, he shall be liable to a further penalty not exceeding twenty pounds for every day during which such default continues.

General and supplemental.

Amendment of Schedules.

24. On resolutions being passed by both Houses of Parliament authorising the same, any Schedule to this Act except Schedule One may be revoked, amended or added to, or a new Schedule in lieu thereof may be framed by the Governor, and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.

Regulations.

25. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose a penalty not exceeding fifty pounds for any contravention thereof. Such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay.

Penalties.

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

Cost of pipes to be defrayed by Gas Company and owner of premises.

27. (1) A gas company shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of such company, give and continue to give a supply of gas for such premises, and furnish and lay any pipe that may be necessary for such purpose: Provided that the cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company although not on such property shall be defrayed by such owner or occupier.

Forty-five days' notice to be given when requiring supply of gas.

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

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

28.

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28. In addition to the price charged by any company for gas supplied by it, such company may charge for the hire of any prepayment meter and fittings to be used therewith a price calculated at a rate not exceeding tenpence per thousand cubic feet of gas supplied, such price to include the hire of one meter and the fittings used therewith.

Charge for hire of
prepayment meter.

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

29. Any gas company, including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same—

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

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares, or stock or preference shares or stock, or wholly or partially by one or more of those modes respectively ;
- (b) raise or borrow money, or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given in respect of any such sum or sums shall, unless otherwise provided by the Articles of Association (if any) of such company, be under the hands of any two of the directors and the secretary for the time being of the company, and shall be in such form, and shall contain such provisions, as the directors may decide ;
- (c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company, and subdivide the existing shares of the company, or any of them, into shares of smaller amount, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

Gas.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.	Standard price of gas per 1,000 cubic feet.	
	s.	d.
Australian Gaslight Company	3	6
North Shore Gas Company, Limited	3	6
The City of Newcastle Gas and Coke Company, Limited ...	3	6

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—
No hydrogen sulphide.

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be the Metropolitan Argand Burner No. 2.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

Provided

Gas.

Provided that gas companies, other than those named in Schedule One, may use Lowe's Jet Photometer for ascertaining the illuminating power of the gas in standard candles.

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

SCHEDULE FOUR.

Method of testing.

1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Gas.

SCHEDULE FIVE.
FORM OF ANNUAL ACCOUNTS.

The Year ended 31st December, 19 . . . Gas Company.

A.—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19 . . .

1 Description of Capital.	2 Standard Dividend Authorised.	3 Number of Shares issued.	4 Nominal Amount of Share.	5 Called up per Share.	6 Total paid up.	7 Amount issued but not paid up.	8 Remaining to be issued.	9 Total Amounts Authorised.

B.—STATEMENT OF LOAN CAPITAL.

On 31st December, 19 . . .

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

Total Share Capital paid up (See A.) £

Do Loan do borrowed (See B.)... .. £

Total Capital received £

Gas.

SCHEDULE FIVE—continued.

C.—CAPITAL ACCOUNT.

For the year ended 31st December, 19

	Expendi- ture to 31st Dec., 19 .	Expended this year.	Total to 31st December, 19 .		Certified Receipts, 31st Dec., 19 .	Received during year.	Total Receipts to 31st Dec., 19 .
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December, 19 ...				1. By Ordinary Shares of £ each ...			
<i>Since that date.</i>							
2. To lands acquired, in- cluding law charges ...				2. By Ordinary Shares of £ each ...			
3. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture				3. By Preference Shares of £ each ...			
4. To New and additional mains and service pipes (not being in place of old ones worn out) including laying same, paving, and other works connected with distribution ...				4. By Debenture Stock ...			
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing ...				5. By Mortgages and Bonds			
o (a.) Do Stoves ...				6. By Amount received in anticipation of calls ...			
6. To Costs of promoting Special Act ...				7. By Premium Capital ...			
7. To Special items, if any...							
Total expenditure ...							
To balance of Capital Ac- count					
		£		Total	£

Gas.

SCHEDULE FIVE—continued.

D.—REVENUE ACCOUNT.

For the Year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—continued.

Dr.

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

Cr.

For the Year ended 31st December, 19 .

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

F.—RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—continued.

G.—SPECIAL PURPOSES FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Like Accounts must be given for Depreciation Fund for Works and Leaseholds (if any).

H.—STATEMENT OF COALS.

During the year ended 31st December, 19 .

Description of Coal.	In Store, 31st December, 19 .	Received during year.	Carbonised or used during year.	In Store 31st December, 19 .
	Tons.	Tons.	Tons.	

Gas.

SCHEDULE FIVE—*continued.*

I.—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

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

J.—GENERAL BALANCE-SHEET.

Dr

On 31st December, 19 .

Cr.

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

Gas.

SCHEDULE FIVE—continued.

Dr.	BALANCE-SHEET OF THE		COMPANY MADE UP TO		19	Cr.
	CAPITAL AND LIABILITIES.			PROPERTY AND ASSETS.		
	Showing—	£ s. d. £ s. d.		Showing—	£ s. d. £ s. d.	
1. Capital.	1. The number of shares ...		Property held by the Company.	Immovable property, distinguishing—		
	2. The amount paid per share...			(a) Freehold land ...		
	3. If any arrears of calls, the nature of the arrears, and the names of the defaulters ...			(b) „ buildings ...		
	4. The particulars of any forfeited shares... ..			(c) Leasehold ...		
2. Debts and liabilities of the Company	5. The amounts of loans on mortgages or debenture bonds.			Movable property, distinguishing—		
	6. The amount of debts owing by the Company distinguishing			(d) Stock-in-trade ...		
	(a) Debts for which acceptances have been given ...			(e) Plant ...		
	(b) Debts to tradesmen for Supplies of Stock-in-trade or other articles.		Debts owing to the Company	The cost to be stated, with deduction for deterioration in value as charged to the Reserve Fund or Profit and Loss.		
	(c) Debts for Law Expenses ...			Debts considered good, for which the Company holds bills or other securities ...		
	(d) Debts for Interest on debentures or other loans ...			Debts considered good, for which the Company holds no security ...		
	(e) Unclaimed dividends...			Debts considered doubtful and bad ...		
	(f) Not enumerated above.			(Any debt due from a director or other officer of the Company to be separately stated.)		
Reserve Fund.	The amount set aside from profits ...		Cash and Investments.	The nature of Investment and rate of Interest ...		
Special Purposes Fund.	The amount appropriated from Revenue under Clause of Act, for the purposes defined therein ...			The amount of Cash, where lodged, and if bearing interest.		
Depreciation Fund.	The amount set aside from profits ...					
Profit and Loss.	The disposable balance for payment of dividends, &c. ...					
Contingent Liabilities.	Claims against the Company not acknowledged as debts ...					
	Moneys for which the Company is contingently liable ...					
	£			£		

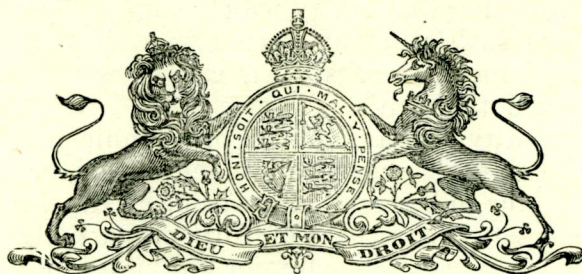
By Authority: WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1913.

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

*Legislative Assembly Chamber,
Sydney, 4 December, 1912. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO TERTIO

GEORGI V REGIS.

Act No. 71, 1912,

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto. [Assented to, 20th December, 1912.]

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

Preliminary.

1. This Act may be cited as the "Gas Act, 1912," and except Short title. as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen. **2.**

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

*R. D. MEAGHER,
Chairman of Committees of the Legislative Assembly.*

Gas.

Definitions.

- 2.** In this Act, unless the context requires another meaning,—
- “Gas company” means any company, corporation, firm, or person supplying any gas for lighting, heating, motive power, or other purpose, and disposing of the same for profit, and includes a local authority which supplies gas in competition with any such company, corporation, firm, or person.
- “Gasworks” means works of a gas company, and the works connected therewith.
- “Local authority” means council of a municipality or shire.
- “Original capital” means all moneys paid or to be paid, or credited or to be credited as paid, by the shareholders of a gas company in respect of fully or partially paid up shares in such company issued prior to the passing of this Act, or under the provisions of section fifteen thereof, but save as aforesaid does not include premium capital or reserves created after the passing of this Act.

*Application of Act.*Application of Act.
Schedule One.

- 3.** This Act applies to all gas companies which do at the commencement of this Act, or may at any time thereafter, supply gas: Provided that clauses fifteen to twenty inclusive shall not apply to any company until it has been included in Schedule One to this Act, or any addition to that Schedule.

*Testing of gas.*Illuminating power
and purity of gas.
Schedule Two.

- 4.** (1) The quality of the gas supplied by a gas company shall, with respect to its illuminating power, be such as to produce at a testing-place provided in conformity with this Act, when burned at the rate of five cubic feet per hour, a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, each consuming one hundred and twenty grains of sperm per hour, and in making the test, two candles shall be used together.

Such gas with respect to its heating power shall be not less than five-hundred British thermal units.

Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto, which may be amended from time to time by proclamation in the Government Gazette:

Schedule Three.

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

- (3) A gas company shall provide testing-places at places approved by the Minister, which shall be on the lands of the company,
and

Gas.

and shall not except by agreement between the Minister and the company, exceed three in number, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and repair.

(4) The method of testing shall be as prescribed by Schedule Four, Schedule Four to this Act, which may be amended from time to time by proclamation in the Government Gazette :

Provided that if any gas company affected by any amendment of Schedule Two or Four signifies its disapproval of such amendment by notice in writing to the Minister within fourteen days of the proclamation in the Gazette of such amendment, the same shall not take effect unless or until a district court judge appointed for the purpose shall have held a public inquiry, and allowed such amendment: Provided that due notice shall be given of the holding of such inquiry to the Minister and to the gas companies affected who may be represented thereat.

5. If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the company shall be liable to penalties as follows :—

For the first half of a candle of defective power, not exceeding forty shillings.

For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred pounds :

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

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

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

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

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

Pressure

*Gas.**Pressure of gas.*

Pressure of gas.

7. (1) Unless a gas company shall be prevented by accident or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs to or making connections with such mains, all gas supplied by a gas company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all reasonable facilities for making the test.

For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

Testing of meters.

8. No meter shall be issued for use by a gas company until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

Regulations.

9. The Governor may cause to be published in the Government Gazette regulations providing for the testing, stamping, and examination of meters, the registration by and regulation of meters, and any matters incidental thereto.

Penalty for defect in pressure.

10. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds :

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

Saving as to penalties.

Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect of illuminating power, excess of impurity in the gas supplied by such company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company.

Gas

*Gas.**Gas examiners.*

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

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

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

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

13. A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. Standard rate of dividend.

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

- (1) The companies specified in Schedule One hereto are hereby authorised and empowered within six months from the passing

Gas.

passing of this Act by resolution of the shareholders in general meeting to capitalise the whole or any part of their reserves and premium capital, and may for that purpose—

- (a) distribute the whole or any portion of such reserves and premium capital in the form of fully paid shares amongst the shareholders in proportion to the shares held by them respectively ; and
 - (b) create and issue as fully paid amongst its shareholders in the like proportion, new shares to the nominal value of the reserves and premium capital to be distributed.
- (2) Any other gas company may in like manner capitalise the whole of its reserves and premium capital within six months from the date of its inclusion in Schedule One hereto.
- (3) All shares created and issued under the provisions of this section shall be deemed to be "original capital" for the purposes of this Act :

Provided nevertheless that the amount of premium capital and reserves which may be so capitalised by the Australian Gaslight Company shall not exceed the sum of four hundred and twenty-five thousand pounds.

Special purposes fund.

Special purposes fund.

16. (1) The directors of a gas company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to two per centum of the paid-up capital of the company, inclusive of premiums, to a fund to be called "the special purposes fund."

Application of the fund.

(2) The special purposes fund shall be applicable only to meet such charges as are certified to by a public accountant being the auditor of the company, or at the option of the Minister by such public accountant as may be appointed for that purpose by the Auditor-General, as being—

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

Maximum amount of fund.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the company inclusive of premiums.

(4)

Gas.

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

(5) Resort may from time to time be had to the special purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

Reserve fund.

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

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

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

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

Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund.

Divisible profits account.

18. If the clear profits of the company in any year after providing for all expenses properly chargeable to revenue, amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be carried to the credit of the divisible profits of such company for the next following year: Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the standard rate.

Distribution

Gas.

Distribution of profits.

Distribution of profits.

19. The profits of the company shall not be utilised in any other way than to provide for a special purposes fund, a reserve fund, and a divisible profits account as hereinbefore provided, and for the purposes mentioned in section twenty. Any company paying moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which, after such conviction, such moneys are retained in any such account.

Sliding scale.

Standard price of gas.

Schedule One.

20. Notwithstanding anything contained in any Act or any memorandum or articles of association, the standard price to be charged by a gas company for gas supplied by it to private consumers by meter shall be at the rate set out in Schedule One hereto :

Provided that if at any time after the first day of January, one thousand nine hundred and thirteen, the cost of production of gas is increased above the total cost of production at that date by reason of any alteration in labour conditions, including wages, by any award made under the Industrial Arbitration Act, 1912, or any Act amending the same, the gas company, whose cost of production is so increased, shall be entitled to have the standard price of its gas increased by proclamation in manner hereinafter provided by one penny per thousand cubic feet for every penny by which the cost of producing one thousand cubic feet of gas is increased as aforesaid.

Upon the auditor of any gas company certifying to the Minister that the cost of production of the gas of such company has been increased as aforesaid, to the extent of at least one penny per thousand cubic feet, the Minister shall, with all reasonable despatch, cause an inquiry, at which the Minister and the gas company may be represented, to be held by a Supreme or District Court Judge, and if such judge shall certify that the cost of production has been so increased, the Governor shall forthwith, by proclamation in the Government Gazette, increase the standard price by one penny per thousand cubic feet in respect of every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been increased ; and, further, provided that where the standard price has been increased as aforesaid with respect to any gas company, the Minister may at any time, and from time to time, cause a further inquiry to be held in the manner as aforesaid, and if such judge shall certify that the cost of production has been decreased by reason of an alteration in labour conditions, including wages by any award made under the Industrial Arbitration Act, 1912, or any

Act

Gas.

Act amending the same, the Governor shall forthwith, by proclamation in the Government Gazette, decrease the standard price in respect of the said company by one penny per thousand cubic feet for every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been decreased; but so that such decrease shall at no time reduce the standard price in respect of such company below that stated in Schedule One. No proclamation under either of the above provisoes shall be made with respect to any company within six months after the date of the last of such proclamations affecting such company:

Provided that the company shall reduce the price so charged by them for gas, below the standard price, in proportion to any increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

Where a reduction in the price of gas is made by the company for six months only of any year, the dividend payable by the company for such year may, in respect of each penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds. And in respect of any year during the whole of which the price charged by the company has been one penny or part of a penny above the standard price the dividend payable by the company shall in respect of each penny or part of a penny by which the standard price has been exceeded, be reduced below the standard rate of dividend by five shillings on every one hundred pounds of paid-up capital and so in proportion for any fraction of one hundred pounds.

Where any increase in the price of gas is charged by the company for six months only of any year, the dividend payable by such company for such year shall in respect of each penny of such increase be reduced by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

Gas.

Issue of additional shares.

Issue of additional shares.

21. Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

- (a) All shares so to be issued shall be offered for sale by public auction or tender.
- (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or after the last day for the receipt of tenders, as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this

Gas.

this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.

- (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.

Accounts and audit.

22. Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as near as may be in the form, and containing the particulars specified in Schedule Five hereto or as near thereto as circumstances will permit.

Annual statement
of accounts.

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

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

23. (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts.

Examination and
audit of accounts.

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

Gas.

instrument, or to answer any such question, he shall be liable to a further penalty not exceeding twenty pounds for every day during which such default continues.

General and supplemental.

Amendment of Schedules.

24. On resolutions being passed by both Houses of Parliament authorising the same, any Schedule to this Act except Schedule One may be revoked, amended or added to, or a new Schedule in lieu thereof may be framed by the Governor, and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.

Regulations.

25. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose a penalty not exceeding fifty pounds for any contravention thereof. Such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay.

Penalties.

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

Cost of pipes to be defrayed by Gas Company and owner of premises.

27. (1) A gas company shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of such company, give and continue to give a supply of gas for such premises, and furnish and lay any pipe that may be necessary for such purpose: Provided that the cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company although not on such property shall be defrayed by such owner or occupier.

Forty-five days' notice to be given when requiring supply of gas.

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

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

Gas.

28. In addition to the price charged by any company for gas supplied by it, such company may charge for the hire of any prepayment meter and fittings to be used therewith a price calculated at a rate not exceeding tenpence per thousand cubic feet of gas supplied, such price to include the hire of one meter and the fittings used therewith.

Charge for hire of
prepayment meter.

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

29. Any gas company, including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same—

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

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares, or stock or preference shares or stock, or wholly or partially by one or more of those modes respectively;
- (b) raise or borrow money, or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given in respect of any such sum or sums shall, unless otherwise provided by the Articles of Association (if any) of such company, be under the hands of any two of the directors and the secretary for the time being of the company, and shall be in such form, and shall contain such provisions, as the directors may decide;
- (c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company, and subdivide the existing shares of the company, or any of them, into shares of smaller amount, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

Act No. 71, 1912.

Gas.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.	Standard price of gas per 1,000 cubic feet.	
	s.	d.
Australian Gaslight Company	3	6
North Shore Gas Company, Limited	3	6
The City of Newcastle Gas and Coke Company, Limited ...	3	6

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—
No hydrogen sulphide.

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be the Metropolitan Argand Burner No. 2.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

Provided

Gas.

Provided that gas companies, other than those named in Schedule One, may use Lowe's Jet Photometer for ascertaining the illuminating power of the gas in standard candles.

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

SCHEDULE FOUR.

Method of testing.

1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Gas.

SCHEDULE FIVE.

FORM OF ANNUAL ACCOUNTS.

The

Year ended 31st December, 19 .

Gas Company.

A.—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19 .

1 Description of Capital.	2 Standard Dividend Authorised.	3 Number of Shares issued.	4 Nominal Amount of Share.	5 Called up per Share.	6 Total paid up.	7 Amount issued but not paid up.	8 Remaining to be issued.	9 Total Amounts Authorised.

B.—STATEMENT OF LOAN CAPITAL.

On 31st December, 19 .

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

Total Share Capital paid up (See A.) £

Do Loan do borrowed (See B.)... .. £

Total Capital received £

Gas.

SCHEDULE FIVE—continued.

C.—CAPITAL ACCOUNT.

For the year ended 31st December, 19 .

	Expendi- ture to 31st Dec., 19 .	Expended this year.	Total to 31st December, 19 .		Certified Receipts, 31st Dec., 19 .	Received during year.	Total Receipts to 31st Dec., 19 .
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December, 19 ...				1. By Ordinary Shares of £ each ...			
<i>Since that date.</i>							
2. To lands acquired, in- cluding law charges ...				2. By Ordinary Shares of £ each ...			
3. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture				3. By Preference Shares of £ each ...			
4. To New and additional mains and service pipes (not being in place of old ones worn out) including laying same, paving, and other works connected with distribution ...				4. By Debenture Stock ...			
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing ...				5. By Mortgages and Bonds			
o (a.) Do Stoves ...				6. By Amount received in anticipation of calls ...			
6. To Costs of promoting Special Act ...				7. By Premium Capital ...			
7. To Special items, if any...							
Total expenditure ...							
To balance of Capital Ac- count					
			£	Total	£

Gas.

SCHEDULE FIVE—continued.

D.—REVENUE ACCOUNT.

For the Year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—continued.

Dr.

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

Cr.

For the Year ended 31st December, 19 .

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

F.—RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—*continued.*

G.—SPECIAL PURPOSES FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Like Accounts must be given for Depreciation Fund for Works and Leaseholds (if any).

H.—STATEMENT OF COALS.

During the year ended 31st December, 19 .

Description of Coal.	In Store, 31st December, 19 .	Received during year.	Carbonised or used during year.	In Store 31st December, 19 .
	Tons.	Tons.	Tons.	

Gas.

SCHEDULE FIVE—continued.

I.—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

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

J.—GENERAL BALANCE-SHEET.

Dr	On 31st December, 19 .	Cr
1. To Capital Account— Balance at credit thereof (Account C)	£ s. d.	1. By Cash at bankers £ s. d.
2. To Profit and Loss Account— Balance at credit thereof (Account E)		2. By Cash on deposit at interest
3. To Reserve Fund— Balance at credit thereof (Account F)		3. By Coals for stock on hand, 31st December, 19
4. To Special Purposes Fund— Balance at credit thereof (Account G)		4. By Coke and breeze
5. To Depreciation Fund (for works and Leasehold Lands)— Balance at credit thereof (Account)		5. By Tar and other products
6. To Unpaid dividends		6. By Sundry stores
7. To Interest accrued and unpaid on mort- gages, bonds, and debenture stock, and other loans to 31st December, 19		7. By Accounts due to the Com- pany; balance of this account due to the Com- pany on 31st December, 19 , less deposits and prepayments
8. To Sundry tradesmen and others, for amounts due for Coals, Stores, &c., to 31st December, 19		8. By Coke and other residual... ..
9. To Wages and contingencies, amounts due to 31st December, 19		9. By Sundry accounts
To Other items, if any		By Special items (if any), including in- vestments
	£	£

Gas.

SCHEDULE FIVE—continued.

Dr.	BALANCE-SHEET OF THE		COMPANY MADE UP TO		19	Cr.
	CAPITAL AND LIABILITIES.		PROPERTY AND ASSETS.			
	Showing—		Showing—			
	£	s. d.	£	s. d.	£	s. d.
1. Capital.	1. The number of shares ...		Property held by the Company.		Immovable property, distinguishing—	
	2. The amount paid per share...				(a) Freehold land ...	
	3. If any arrears of calls, the nature of the arrears, and the names of the defaulters ...				(b) „ buildings ...	
	4. The particulars of any forfeited shares...				(c) Leasehold ...	
2. Debts and liabilities of the Company	5. The amounts of loans on mortgages or debenture bonds.				Movable property, distinguishing—	
	6. The amount of debts owing by the Company distinguishing				(d) Stock-in-trade ...	
	(a) Debts for which acceptances have been given ...				(e) Plant ...	
	(b) Debts to tradesmen for Supplies of Stock-in-trade or other articles.		Debts owing to the Company		The cost to be stated, with deduction for deterioration in value as charged to the Reserve Fund or Profit and Loss.	
	(c) Debts for Law Expenses ...				Debts considered good, for which the Company holds bills or other securities ...	
	(d) Debts for Interest on debentures or other loans ...				Debts considered good, for which the Company holds no security ...	
	(e) Unclaimed dividends...				Debts considered doubtful and bad ...	
Reserve Fund.	(f) Not enumerated above.				(Any debt due from a director or other officer of the Company to be separately stated.)	
Special Purposes Fund.	The amount set aside from profits ...		Cash and Investments.		The nature of Investment and rate of Interest ...	
	The amount appropriated from Revenue under Clause of Act, for the purposes defined therein ...				The amount of Cash, where lodged, and if bearing interest.	
Depreciation Fund.	The amount set aside from profits ...					
Profit and Loss.	The disposable balance for payment of dividends, &c. ...					
Contingent Liabilities.	Claims against the Company not acknowledged as debts ...					
	Moneys for which the Company is contingently liable ...					
		£				

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

CHELMSFORD,
Governor.

State Government House,
Sydney, 20th December, 1912.

1912.

Legislative Council.

GAS BILL.

SCHEDULE showing the Legislative Council's insistence on its Amendments Disagreed to by the Assembly and its Disagreement to the Assembly Amendments upon Council's Amendments, referred to in Message of 21st November, 1912.

J. J. CALVERT,
Clerk of the Parliaments.

- Page 1, clause 1, lines 6 to 11. *After* " Gas Act, 1912 " *insert* " and except as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen."
- Page 2, clause 2, lines 4 and 5. *Omit* " but does not include " *insert* " and includes "
- Page 2, clause 4, line 30. *Omit* " fifteen," *insert* " fourteen "
- Page 3, clause 4, lines 1 to 3. *Omit* " testing-places, at places approved by the Minister " *insert* " a testing-place at each of its manufacturing stations."
- Page 3, clause 5, lines 31 to 34. *Insert* " Provided also that the average of the testings made at such testing-place on that day and on the preceding and on the following day shall be deemed to represent the illuminating power of such gas on such day at such testing-place."
- Page 4, clause 11, lines 42 to 44. *Omit* " Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company."
- Page 5, clause 12, lines 4 and 5. *Insert* " upon giving one day's notice to the gas company."
- Page 6, clause 16, line 26. *Omit* " one " *insert* " two "
- Page 7, clause 17, lines 23 to 26. *Omit* " When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum "
- Page 7, clause 17, line 37. *Omit* " standard " *insert* " authorised "

- Page 8, clause ~~19~~ **18**, lines 6 to 16. *Omit* "placed to the credit of an account
 "to be called the divisible profits account; and not more than twenty per
 "centum of the amount placed to the credit of such account in any year
 "may be retained and carried forward to the credit of the divisible profits
 "account of the following year, and the remainder, being not less than
 "eighty per centum, shall be applied to the reduction of the price of
 "gas and the payment of a dividend as provided in section twenty-one"
insert "carried to the credit of the divisible profits of such company for
 "the next following year: Provided that the sum standing to the credit
 "of such divisible profits shall not at any time exceed the amount
 "required to pay one year's dividend at the standard rate."
- Pages 8 and 9, clause ~~21~~ **20**. *Insert* lines 31 to 43 and page 9, lines 1 to 27 inclusive.
- Page 9, clause ~~21~~ **20**. *Insert* lines 45 to 47, and page 10, 1 to 12 inclusive.
- Page 12, clause ~~25~~, lines 18 to 36. *Omit* clause 25.
- Page 12, clause ~~26~~ **24**, line 40. *Insert* "except Schedule One"
- Page 13, clause ~~29~~ **27**, line 23. *Omit* "thirty" *insert* "sixty"
- Page 13, clause 28, line 40. *Insert* "one shilling" *omit* "fourpence"
- Page 14, Schedule One, lines 33 to 35 *Omit* "3" *insert* "6"
- Page 14, Schedule Two, line 40. *Omit* "Ammonia (not more than $2\frac{1}{2}$ grains per
 "100 cubic feet")
- Page 15, Schedule Three, line 8. *Omit* "or as prescribed"
- Page 15, Schedule Three, line 13. *Omit* "or such other photometer as shall be
 "prescribed."
-

GAS BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments, referred to in Message of 30th October, 1912.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

- Page 1, clause 1, lines 6 to 11. *After* " Gas Act, 1912 " *omit* " and except as to
" sections fifteen, twenty, and twenty-nine shall come into force on the
" first day of July, one thousand nine hundred and thirteen, and sections
" fifteen and twenty-nine shall come into force on the passing of the Act,
" and section twenty on the first day of January, one thousand nine hundred
" and thirteen."
- Page 2, clause 2, lines 4 and 5. *Reinsert* " but does not include " *omit* " and
" includes "
- Page 2, clause 4, line 30. *Reinsert* " fifteen," *omit* " fourteen "
- Page 3, clause 4, lines 1 to 3. *Reinsert* " testing-places, at places approved by the
" Minister " *Omit* " a testing-place at each of its manufacturing stations."
- Page 3, clause 5, lines 31 to 34. *Omit* " Provided also that the average of the
" testings made at such testing-place on that day and on the preceding and
" on the following day shall be deemed to represent the illuminating power
" of such gas on such day at such testing-place."
- Page 4, clause 11, lines 42 to 44. *Reinsert* " Provided that the want of sufficient
" funds shall not be held to be a circumstance beyond the control of the
" company."
- Page 5, clause 12, lines 4 and 5. *Omit* " upon giving one day's notice to the gas
" company."
- Page 6, clause 16, line 26. *Reinsert* " one " *omit* " two "
- Page 7, clause 17, lines 23 to 26. *Reinsert* " When the amount at credit of the
" reserve fund equals or exceeds ten per centum of the paid-up capital of
" the company no sum shall be set apart under this section for such fund
" until the amount at credit of the fund falls below such ten per centum,"
but (line 24) *substitute* the word " original " for " paid-up " .
- Page 7, clause 17, line 37. *Reinsert* " standard " *omit* " authorised "

Page 8, clause ~~19~~ **18**, lines 6 to 16. *Reinsert* "placed to the credit of an account
 "to be called the divisible profits account; and not more than twenty per
 "centum of the amount placed to the credit of such account in any year
 "may be retained and carried forward to the credit of the divisible profits
 "account of the following year, and the remainder, being not less than
 "eighty per centum, shall be applied to the reduction of the price of
 "gas and the payment of a dividend as provided in section twenty-one"
~~omit~~ "carried to the credit of the divisible profits of such company for
 "the next following year: Provided that the sum standing to the credit
 "of such divisible profits shall not at any time exceed the amount
 "required to pay one year's dividend at the standard rate."

Pages 8 and 9, clause ~~21~~ **20**. *Omit* lines 31 to 43 and page 9, lines 1 to 27 inclusive.

Page 9, clause ~~21~~ **20**. *Omit* lines 45 to 47, and page 10, 1 to 12 inclusive.

Page 12, clause 25, lines 18 to 36. *Reinsert* clause 25.

Page 12, clause ~~26~~ **24**, line 40. *Omit* "except Schedule One"

Page 13, clause ~~29~~ **27**, line 23. *Reinsert* "thirty" *omit* "sixty"

Page 13, clause 28, line 40. *Omit* "one shilling" *insert* "fourpence"

Page 14, Schedule One, lines 33 to 35. *Reinsert* "3" *omit* "6"

Page 14, Schedule Two, line 40. *Reinsert* "Ammonia (not more than $2\frac{1}{2}$ grains per
 "100 cubic feet")

Page 15, Schedule Three, line 8. *Add* "or as prescribed"

Page 15, Schedule Three, line 13. *Add* "or such other photometer as shall be
 "prescribed."

GAS BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments, referred to in Message of 30th October, 1912.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

- Page 1, clause 1, lines 6 to 11. *After* " Gas Act, 1912 " *omit* " and except as to
" sections fifteen, twenty, and twenty-nine shall come into force on the
" first day of July, one thousand nine hundred and thirteen, and sections
" fifteen and twenty-nine shall come into force on the passing of the Act,
" and section twenty on the first day of January, one thousand nine hundred
" and thirteen."
- Page 2, clause 2, lines 4 and 5. *Reinsert* " but does not include " *omit* " and
" includes "
- Page 2, clause 4, line 30. *Reinsert* " fifteen," *omit* " fourteen "
- Page 3, clause 4, lines 1 to 3. *Reinsert* " testing-places, at places approved by the
" Minister " *Omit* " a testing-place at each of its manufacturing stations."
- Page 3, clause 5, lines 31 to 34. *Omit* " Provided also that the average of the
" testings made at such testing-place on that day and on the preceding and
" on the following day shall be deemed to represent the illuminating power
" of such gas on such day at such testing-place."
- Page 4, clause 11, lines 42 to 44. *Reinsert* " Provided that the want of sufficient
" funds shall not be held to be a circumstance beyond the control of the
" company."
- Page 5, clause 12, lines 4 and 5. *Omit* " upon giving one day's notice to the gas
" company."
- Page 6, clause 16, line 26. *Reinsert* " one " *omit* " two "
- Page 7, clause 17, lines 23 to 26. *Reinsert* " When the amount at credit of the
" reserve fund equals or exceeds ten per centum of the paid-up capital of
" the company no sum shall be set apart under this section for such fund
" until the amount at credit of the fund falls below such ten per centum,"
but (line 24) *substitute* the word " original " for " paid-up "
- Page 7, clause 17, line 37. *Reinsert* " standard " *omit* " authorised "

Page 8, clause ~~19~~ **18**, lines 6 to 16. *Reinsert* "placed to the credit of an account
 "to be called the divisible profits account; and not more than twenty per
 "centum of the amount placed to the credit of such account in any year
 "may be retained and carried forward to the credit of the divisible profits
 "account of the following year, and the remainder, being not less than
 "eighty per centum, shall be applied to the reduction of the price of
 "gas and the payment of a dividend as provided in section twenty-one"
omit "carried to the credit of the divisible profits of such company for
 "the next following year: Provided that the sum standing to the credit
 "of such divisible profits shall not at any time exceed the amount
 "required to pay one year's dividend at the standard rate."

Pages 8 and 9, clause ~~21~~ **20**. *Omit* lines 31 to 43 and page 9, lines 1 to 27 inclusive.

Page 9, clause ~~21~~ **20**. *Omit* lines 45 to 47, and page 10, 1 to 12 inclusive.

Page 12, clause 25, lines 18 to 36. *Reinsert* clause 25.

Page 12, clause ~~26~~ **24**, line 40. *Omit* "except Schedule One"

Page 13, clause ~~29~~ **27**, line 23. *Reinsert* "thirty" *omit* "sixty"

Page 13, clause 28, line 40. *Omit* "one shilling" *insert* "fourpence"

Page 14, Schedule One, lines 33 to 35. *Reinsert* "3" *omit* "6"

Page 14, Schedule Two, line 40. *Reinsert* "Ammonia (not more than $2\frac{1}{2}$ grains per
 "100 cubic feet")

Page 15, Schedule Three, line 8. *Add* "or as prescribed"

Page 15, Schedule Three, line 13. *Add* "or such other photometer as shall be
 "prescribed."

GAS BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments, referred to in Message of 30th October, 1912.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

- Page 1, clause 1, lines 6 to 11. *After* "Gas Act, 1912" *omit* "and except as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen."
- Page 2, clause 2, lines 4 and 5. *Reinsert* "but does not include" *omit* "and includes"
- Page 2, clause 4, line 30. *Reinsert* "fifteen," *omit* "fourteen"
- Page 3, clause 4, lines 1 to 3. *Reinsert* "testing-places, at places approved by the Minister" *Omit* "a testing-place at each of its manufacturing stations."
- Page 3, clause 5, lines 31 to 34. *Omit* "Provided also that the average of the testings made at such testing-place on that day and on the preceding and on the following day shall be deemed to represent the illuminating power of such gas on such day at such testing-place."
- Page 4, clause 11, lines 42 to 44. *Reinsert* "Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company."
- Page 5, clause 12, lines 4 and 5. *Omit* "upon giving one day's notice to the gas company."
- Page 6, clause 16, line 26. *Reinsert* "one" *omit* "two"
- Page 7, clause 17, lines 23 to 26. *Reinsert* "When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum," but (line 24) *substitute* the word "original" for "paid-up"
- Page 7, clause 17, line 37. *Reinsert* "standard" *omit* "authorised"

Page 8, clause ~~19~~ **18**, lines 6 to 16. *Reinsert* " placed to the credit of an account
 " to be called the divisible profits account ; and not more than twenty per
 " centum of the amount placed to the credit of such account in any year
 " may be retained and carried forward to the credit of the divisible profits
 " account of the following year, and the remainder, being not less than
 " eighty per centum, shall be applied to the reduction of the price of
 " gas and the payment of a dividend as provided in section twenty-one"
omit " carried to the credit of the divisible profits of such company for
 " the next following year : Provided that the sum standing to the credit
 " of such divisible profits shall not at any time exceed the amount
 " required to pay one year's dividend at the standard rate."

Pages 8 and 9, clause ~~21~~ **20**. *Omit* lines 31 to 43 and page 9, lines 1 to 27 inclusive.

Page 9, clause ~~21~~ **20**. *Omit* lines 45 to 47, and page 10, 1 to 12 inclusive.

Page 12, clause 25, lines 18 to 36. *Reinsert* clause 25.

Page 12, clause ~~26~~ **24**, line 40. *Omit* " except Schedule One "

Page 13, clause ~~29~~ **27**, line 23. *Reinsert* " thirty " *omit* " sixty "

Page 13, clause 28, line 40. *Omit* " one shilling " *insert* " fourpence "

Page 14, Schedule One, lines 33 to 35. *Reinsert* " 3 " *omit* " 6 "

Page 14, Schedule Two, line 40. *Reinsert* " Ammonia (not more than $2\frac{1}{2}$ grains per
 " 100 cubic feet")

Page 15, Schedule Three, line 8. *Add* " or as prescribed "

Page 15, Schedule Three, line 13. *Add* " or such other photometer as shall be
 " prescribed."

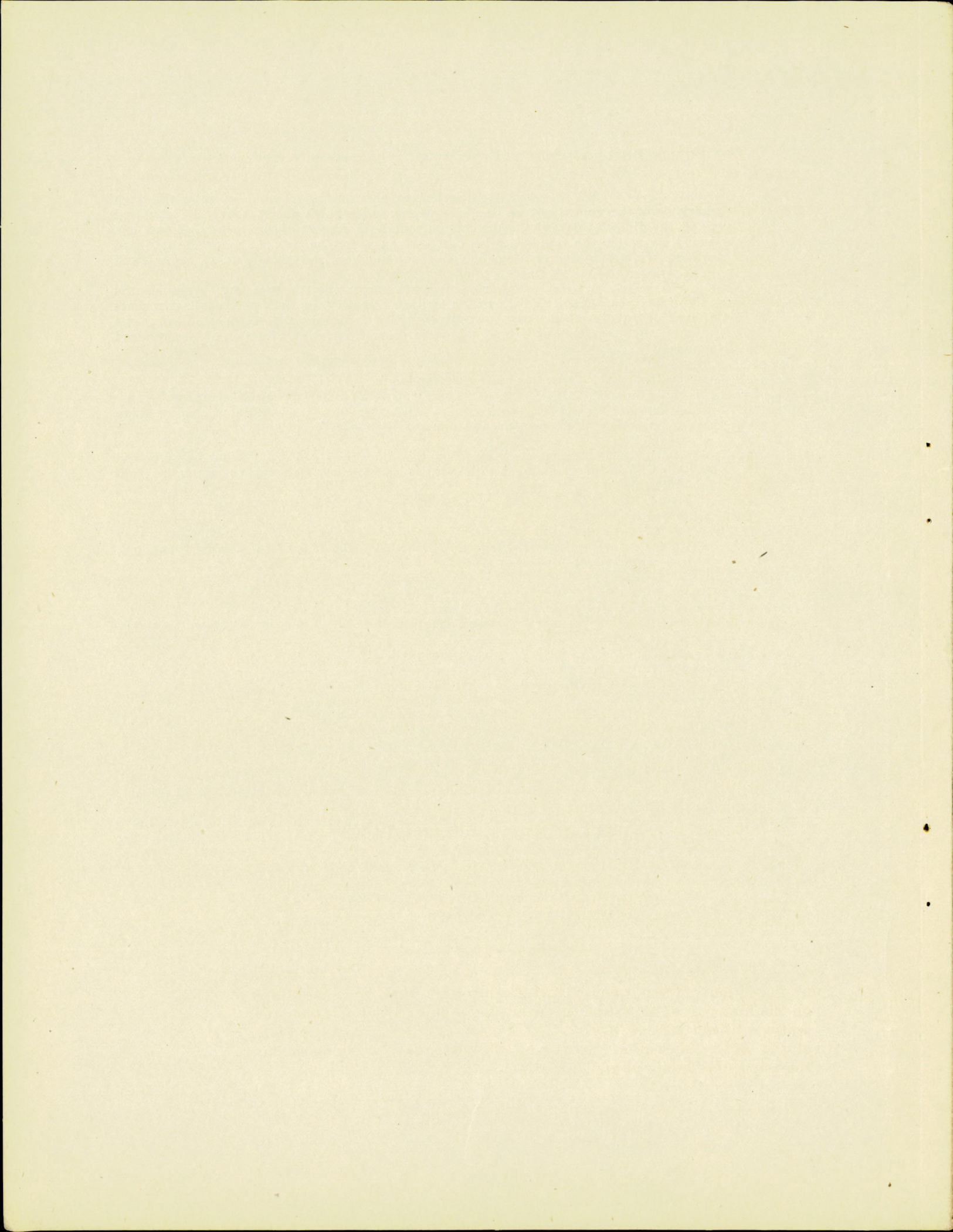
GAS BILL.

SCHEDULE of the Amendments referred to in Message of 30th October, 1912.

- Page 1, clause 1. At end of clause *add* "and except as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen"
- Page 2, clause 2, lines 4 and 5. *Omit* "but does not include" *insert* "and includes"
- Page 2, clause 2, line 9. *After* "capital" *omit* remainder of clause *insert* "means all moneys paid or to be paid or credited or to be credited as paid by the shareholders of a gas company in respect of fully or partially paid up shares in such company issued prior to the passing of this Act or under the provisions of section fifteen thereof, but, save as aforesaid, does not include premium capital or reserves created after the passing of this Act"
- Page 2, clause 3, line 22. *Omit* "twenty-one" *insert* "twenty"
- Page 2, clause 4, line 30. *Omit* "fifteen" *insert* "fourteen"
- Page 3, clause 4, lines 1 and 2. *Omit* "testing-places at places approved by the Minister" *insert* "a testing-place at each of its manufacturing stations"
- Page 3. At end of clause 4 *add* new proviso.
- Page 3. At end of clause 5 *add* new proviso.
- Page 4, clause 7. Before line 2 *insert* "Unless a gas company shall be prevented by accident or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs to or making connections with such mains"
- Page 4, clause 7, line 6. *Omit* "except in case of accident"
- Page 4, clause 8, line 20. *Omit* "used or"
- Page 4, clause 11, line 42. *After* "company" *omit* remainder of clause.
- Page 5, clause 12, line 4. *After* "hours" *insert* "upon giving one day's notice to the gas company"
- Page 5, clause 14, line 19. *Omit* "attend" *insert* "afford"
- Page 5, clause 15. At end of clause *add*—
"Notwithstanding anything to the contrary contained in any memorandum or articles of association, rules, or deed of settlement, or in this or any other Act, the following provisions shall have effect:—
"(1) The companies specified in Schedule One hereto are hereby authorized and empowered within six months from the passing of this Act, by resolution of the shareholders in general meeting, to capitalise the whole or any part of their reserves and premium capital, and may for that purpose —
"(a) distribute the whole or any portion of such reserves and premium capital in the form of fully paid shares amongst the shareholders in proportion to the shares held by them respectively; and
"(b) create and issue as fully paid amongst its shareholders in the like proportion, new shares to the nominal value of the reserves and premium capital to be distributed."
"(2) Any other gas company may in like manner capitalise the whole of its reserves and premium capital within six months from the date of its inclusion in Schedule One hereto."
"(3) All shares created and issued under the provisions of this section shall be deemed to be 'original capital' for the purposes of this Act:
"Provided nevertheless that the amount of premium capital and reserves which may be so capitalised by the Australian Gaslight Company shall not exceed the sum of four hundred and twenty-five thousand pounds"
- Page 6, clause 16, line 26. *Omit* "one" *insert* "two"
- Page 6, clause 16, line 27. *Omit* "exclusive" *insert* "inclusive"
- Page 6, clause 16, line 30. *Omit* "chartered" *insert* "public"
- Page 6, clause 16, line 31. *Omit* "or incorporated accountant"

- Page 6, clause 16, lines 32 and 33. *Omit* "and by such person as may be appointed for that purpose by
"the Minister" *insert* "or at the option of the Minister by such public accountant as may
"be appointed for that purpose by the Auditor-General"
- Page 6, clause 16, line 36. *Omit* "strikes"
- Page 6, clause 16. At end of paragraph (a) *add* "by reason of strikes; or"
- Page 6, clause 16, line 45. *Omit* "exclusive" *insert* "inclusive"
- Page 7, clause 17, line 15. *Omit* "twenty-one" *insert* "twenty"
- Page 7, clause 17, line 22. *Omit* "twenty-one" *insert* "twenty"
- Page 7, clause 17. *Omit* lines 23 to 26.
- Page 7, clause 17, lines 27 to 29. *Omit* "and any reserve or other fund of a similar character of the
"company existing at the commencement of this Act"
- Page 7, clause 17, line 35. *Omit* "as hereinafter provided"
- Page 7, clause 17, line 37. *Omit* "standard" *insert* "authorised"
- Page 7. *Omit* clause 18.
- Page 8, clause ~~19~~ 18, line 1. *After* "year" *insert* "after providing for all expenses properly charge-
"able to revenue"
- Page 8, clause ~~19~~ 18, line 5. *After* "be" *omit* remainder of clause *insert* "carried to the credit of the
"divisible profits of such company for the next following year: Provided that the sum
"standing to the credit of such divisible profits shall not at any time exceed the amount
"required to pay one year's dividend at the standard rate"
- Page 8, clause ~~20~~ 19, line 21. *Omit* "twenty-one" *insert* "twenty"
- Page 8, clause ~~21~~ 20. *After* line 30 *insert* "Provided that if at any time after the first day of
"January, one thousand nine hundred and thirteen, the cost of production of gas
"is increased by reason of any alteration in labour conditions, including wages, by any
"award or industrial agreement made under the Industrial Arbitration Act, 1912, or any
"Act amending the same, and in the cost of coal, or by reason of either of those causes,
"the gas company, whose cost of production is so increased, shall be entitled to have the
"standard price of its gas increased by proclamation in manner hereinafter provided by
"one penny per thousand cubic feet for every penny by which the cost of producing one
"thousand cubic feet of gas is increased as aforesaid.
- "Upon the auditor of any gas company certifying to the Minister that the cost of
"production of the gas of such company has been increased by the reasons as aforesaid, or
"either of them, to the extent of at least one penny per thousand cubic feet, the
"Minister shall, with all reasonable despatch, cause an inquiry, at which the Minister
"and the gas company may be represented, to be held by a Supreme or District Court
"Judge, and if such Judge shall certify that the cost of production has been so increased,
"the Governor shall forthwith, by proclamation in the Government Gazette, increase the
"standard price by one penny per thousand cubic feet in respect of every penny by which
"the said Judge shall certify that the cost of production per thousand cubic feet of gas
"has been increased. And, further, provided that where the standard price has been
"increased as aforesaid with respect to any gas company, the Minister may at any time,
"and from time to time, cause a further inquiry to be held in the manner as aforesaid,
"and if such Judge shall certify that the cost of production has been decreased by reason
"of an alteration in labour conditions, including wages, by any award or industrial
"agreement made under the Industrial Arbitration Act, 1912, or any Act amending the
"same, and in the cost of coal, or by reason of either of those causes, the Governor shall
"forthwith, by proclamation in the Government Gazette, decrease the standard price in
"respect of the said company by one penny per thousand cubic feet for every penny by
"which the said Judge shall certify that the cost of production per thousand cubic feet
"of gas has been decreased; but so that such decrease shall at no time reduce
"the standard price in respect of such company below that stated in Schedule One.
"No proclamation under either of the above provisoes shall be made with respect to any
"company within six months after the date of the last of such proclamations affecting
"such company."

- Page 9. At end of clause ~~21~~. **20**, add " And in respect of any year during the whole of which the price charged by the company has been one penny or part of a penny above the standard price, the dividend payable by the company shall, in respect of each penny, or part of a penny, by which the standard price has been exceeded, be reduced below the standard rate of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.
 " Where any increase in the price of gas is charged by the company for six months only of any year, the dividend payable by such company for such year shall, in respect of each penny of such increase, be reduced by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds."
- Page 10, clause ~~22~~. **21**, line 21. Omit " on " insert " or "
- Page 10, clause ~~22~~. **21**, line 28. After " or " insert " after the "
- Page 10, clause ~~22~~. **21**, line 37. After " company " insert " on a day to be fixed by the company being "
- Page 11, clause ~~23~~. **22**, lines 31 and 32. Omit " regulations under this Act " insert " Schedule Five hereto, or as near thereto as circumstances will permit "
- Page 12. Omit clause 25.
- Page 12, clause ~~24~~. **24**, line 38. Omit " Any schedule to this Act " insert " On resolutions being passed by both Houses of Parliament authorising the same any Schedule to this Act except Schedule One "
- Page 12, clause ~~26~~. **24**, lines 42 and 43. Omit " on resolutions being passed by both Houses of Parliament authorising the same "
- Page 13, clause ~~29~~. **27**, line 16. After " occupier " insert " and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company although not on such property "
- Page 13, clause ~~29~~. **27**, line 23. Omit " thirty " insert " sixty "
- Page 13, clause ~~29~~. **27**, line 23. After " which " insert " the "
- Page 13, clause ~~29~~. **27**, line 26. After " months " insert " thereafter "
- Page 13, clause ~~29~~. **27**, line 29. After " of " insert " such supply of gas as may be registered by meter, and of "
- Page 13, clause ~~29~~. **27**, line 32. After " company " insert " wilfully "
- Page 13, clause ~~29~~. **27**, line 33. After " of " insert " such "
- Page 13, clause ~~29~~. **27**, line 34. Omit " they " insert " it "
- Page 13. After clause ~~29~~. **27** add new clauses **28** and **29**.
- Page 14, Schedule One, line 33. Omit " 3 " second occurring insert " 6 "
- Page 14, Schedule One, line 34. After " Company " insert " Limited "
- Page 14, Schedule One, line 34. Omit " 3 " second occurring insert " 6 "
- Page 14, Schedule One, line 35. Omit " 3 " second occurring insert " 6 "
- Page 14, Schedule Two, line 40. Omit " Ammonia (not more than $2\frac{1}{2}$ grains per 100 cubic feet) "
- Page 15, Schedule Three, line 7. Omit " such as shall be prescribed " insert " the Metropolitan Argand Burner No. 2 "
- Page, 15, Schedule Three. After line 10 insert " Provided that gas companies, other than those named in Schedule One, may use Lowe's Jet Photometer for ascertaining the illuminating power of the gas in standard candles "
- Page 15, Schedule Three, line 14. After " hydrogen " insert " shall be "
- Page 15, Schedule Four, line 24. Omit " the " insert " ten "
- Page 15, Schedule Four, line 37. Omit " comprising " insert " containing "
- Page 15. After Schedule Four add new Schedule Five



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.

*Legislative Assembly Chamber,
Sydney, 19 September, 1912, A.M. }*

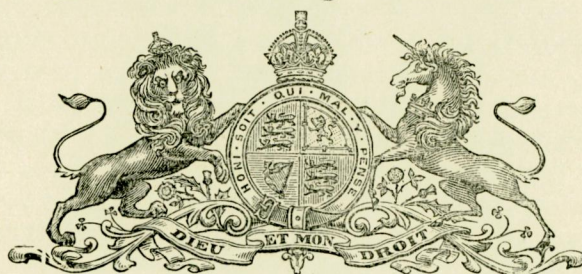
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 30th October, 1912. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. , 1912.

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto.

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

5

Preliminary.

1. This Act may be cited as the "Gas Act, 1912," and except Short title. as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing 10 of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen.

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2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Gas.

- 2.** In this Act, unless the context requires another meaning,— Definitions.
 “Gas company” means any company, corporation, firm, or person
 supplying any gas for lighting, heating, motive power, or
 other purpose, and disposing of the same for profit, ~~but does~~
 5 ~~not include~~ and includes a local authority.
 “Gasworks” means works of a gas company, and the works
 connected therewith.
 “Local authority” means council of a municipality or shire.
 10 “Original capital” ~~means all moneys subscribed by the share-~~
~~holders of a gas company as share capital in such company~~
~~prior to the passing of this Act, but does not include premium,~~
~~capital, or reserves,~~ means all moneys paid or to be paid, or
 credited or to be credited as paid, by the shareholders of a
 15 gas company in respect of fully or partially paid up shares
 in such company issued prior to the passing of this Act, or
 under the provisions of section fifteen thereof, but save as
 aforesaid does not include premium capital or reserves
 created after the passing of this Act.

Application of Act.

- 20 **3.** This Act applies to all gas companies which do at the Application of Act.
 commencement of this Act, or may at any time thereafter, supply gas: Schedule One.
 Provided that clauses fifteen to ~~twenty-one~~ **twenty** inclusive shall not
 apply to any company until it has been included in Schedule One to
 this Act, or any addition to that Schedule.

Testing of gas.

- 25 **4.** (1) The quality of the gas supplied by a gas company Illuminating power
 shall, with respect to its illuminating power, be such as to produce at and purity of gas.
 a testing-place provided in conformity with this Act, when burned at Schedule Two.
 the rate of five cubic feet per hour, a light equal in intensity to the
 30 light produced by ~~fourteen~~ **fourteen** sperm candles of six to the pound, each
 consuming one hundred and twenty grains of sperm per hour, and in
 making the test, two candles shall be used together.
 Such gas with respect to its heating power shall be not less
 than five-hundred British thermal units.
 35 Such gas shall, as to its purity, not exhibit any trace of
 sulphuretted hydrogen, when tested in accordance with this Act, and
 the standard of purity shall be as prescribed in Schedule Two hereto,
 which may be amended from time to time by proclamation in the
 Government Gazette:
 40 (2) The apparatus to be used for testing, and the method Schedule Three.
 of testing the illuminating power of the gas, and the presence of
 sulphuretted hydrogen in the gas, shall be as prescribed in Schedule
 Three to this Act.

Gas.

(3) A gas company shall provide ~~testing places, at places approved by the Minister,~~ a testing place at each of its manufacturing stations, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and
5 repair.

(4) The method of testing shall be as prescribed by ^{Schedule Four.} Schedule Four to this Act, which may be amended from time to time by proclamation in the Government Gazette :

10 Provided that if any gas company affected by any amendment of Schedule Two or Four signifies its disapproval of such amendment by notice in writing to the Minister within fourteen days of the proclamation in the Gazette of such amendment, the same shall not take effect unless or until a district court judge appointed for the purpose shall have held a public inquiry, and allowed such amendment:
15 Provided that due notice shall be given of the holding of such inquiry to the Minister and to the gas companies affected who may be represented thereat.

20 **5.** If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the company shall be liable to penalties as follows :—

For the first half of a candle of defective power, not exceeding forty shillings.

25 For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred pounds :

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

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

35 **6.** If on any day the gas supplied by a gas company at any testing-place is of less purity than it ought to be, the company shall be liable to a penalty not exceeding fifty pounds for each occasion on which it is so in default : ^{Penalty for defect in purity.}

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

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

Pressure

*Gas.**Pressure of gas.*

7. (1) Unless a gas company shall be prevented by accident Pressure of gas. or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs to or making connections with such mains, all gas supplied by a gas company to any consumer of gas shall, ~~except in case of accident,~~ be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all reasonable facilities for making the test.

For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

8. No meter shall be used ~~or~~ issued for use by a gas company Testing of meters. until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

9. The Governor may cause to be published in the Government Gazette regulations providing for the testing, stamping, and examination of meters, the registration by and regulation of meters, and any matters incidental thereto. Regulations.

10. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds: Penalty for defect in pressure.

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

Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect of illuminating power, excess of impurity in the gas supplied by such company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company: Saving as to penalties. ~~Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company.~~

Gas

*Gas.**Gas examiners.*

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

Such examiners may at any reasonable hours, upon giving one day's notice to the gas company, test the illuminating power, purity, and pressure of the gas supplied by any gas company, and for that purpose may enter any land or premises of any such company.

Such company may, if it thinks fit, on each occasion of such testing, be represented by some person appointed by it, but such person shall not interfere in the testing.

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

13. A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. Standard rate of dividend.

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

(1) The companies specified in Schedule One hereto are hereby authorised and empowered within six months from the passing of this Act by resolution of the shareholders in general

Gas.

general meeting to capitalise the whole or any part of their reserves and premium capital, and may for that purpose—

- 5 (a) distribute the whole or any portion of such reserves and premium capital in the form of fully paid shares amongst the shareholders in proportion to the shares held by them respectively; and
- (b) create and issue as fully paid amongst its shareholders in the like proportion, new shares to the nominal value of the reserves and premium capital to be distributed.
- 10 (2) Any other gas company may in like manner capitalise the whole of its reserves and premium capital within six months from the date of its inclusion in Schedule One hereto.
- 15 (3) All shares created and issued under the provisions of this section shall be deemed to be "original capital" for the purposes of this Act:

Provided nevertheless that the amount of premium capital and reserves which may be so capitalised by the Australian Gaslight
20 Company shall not exceed the sum of four hundred and twenty-five thousand pounds.

Special purposes fund.

16. (1) The directors of a gas company may, if they think fit, ^{Special purposes fund.} in any year appropriate out of the revenue of the company, as part of
25 the expenditure on revenue account, any sum not exceeding an amount equal to ~~one~~ two per centum of the paid-up capital of the company, ~~exclusive~~ inclusive of premiums, to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only ^{Application of the fund.}
30 to meet such charges as are certified to by a ~~chartered public~~ ^{public} accountant ~~or incorporated accountant~~ being the auditor of the company, and ~~by such person as may be appointed for that purpose by the Minister,~~ or at the option of the Minister by such public accountant as may be appointed for that purpose by the Auditor-General, as
35 being—

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

(3) The maximum amount standing to the credit of the ^{Maximum amount of fund.} special purposes fund shall not at any time exceed an amount equal
45 to one-tenth part of the paid-up capital of the company ~~exclusive~~ inclusive of premiums. (4)

Gas.

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

(5) Resort may from time to time be had to the special purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

10

Reserve fund.

17. When in any year the rate of dividend that may be paid on the ordinary share capital or stock of a gas company exceeds the standard rate, by reason of the price charged by the company for gas in such year being below the standard price as provided in section ~~twenty-one~~ **twenty**, then, out of the amount of the divisible profits of the company applicable to the payment of such excess of dividends, the directors of the company may in such year set apart such sum as they think fit by way of a reserve fund.

The total amount paid in any year by way of such excess dividend and the amount so set apart in such year to the reserve fund shall not when taken together exceed the total amount permitted to be paid by way of excess dividend under section ~~twenty-one~~ **twenty**.

When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum.

All sums (if any) so set apart ~~and any reserve or other fund of a similar character of the company existing at the commencement of this Act~~ may be invested in Government or other securities not connected with the business of the company, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest.

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

Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund:

18. If in any one year the profits of the company divisible amongst the shareholders do not amount to the standard rate, such a sum may be taken from the reserve fund as with the actual divisible profits of such year will enable the company to pay a dividend of the amount aforesaid, and so from time to time as often as the occasion requires.

Divisible

Investment of fund.

Savings.

Reserve fund.

Payment of dividends out of reserve fund.

*Gas.**Divisible profits account.*

19. **18.** If the clear profits of the company in any year ^{Divisible profits} after providing for all expenses properly chargeable to revenue, ^{account.} amount to a larger sum than is sufficient to pay the authorised
 5 dividend on the share capital of the company, the excess shall be placed to the credit of an account to be called the divisible profits
 account; and not more than twenty per centum of the amount placed
 to the credit of such account in any year may be retained
 and carried forward to the credit of the divisible profits account of
 10 the following year, and the remainder, being not less than eighty
 per centum, shall be applied to the reduction of the price of
 gas and the payment of a dividend as provided in section twenty-one
 carried to the credit of the divisible profits of such company for the
 next following year: **Provided that the sum standing to the credit of**
 15 **such divisible profits shall not at any time exceed the amount required**
to pay one year's dividend at the standard rate.

Distribution of profits.

20. **19.** The profits of the company shall not be utilised in any ^{Distribution of} other way than to provide for a special purposes fund, a reserve fund, ^{profits.}
 20 and a divisible profits account as hereinbefore provided, and for the
 purposes mentioned in section ~~twenty-one~~ **twenty**. Any company paying
 moneys from profits into any other account shall be liable on conviction
 to a penalty of one hundred pounds, and a further penalty of fifty
 pounds for every day on which, after such conviction, such moneys
 25 are retained in any such account.

Sliding scale.

21. **20.** Notwithstanding anything contained in any Act or any ^{Standard price of} memorandum or articles of association, the standard price to be charged ^{gas.}
 30 shall be at the rate set out in Schedule One hereto: Schedule One.

Provided that if at any time after the first day of January, one
 thousand nine hundred and thirteen, the cost of production of gas is
 increased by reason of any alteration in labour conditions, including
 wages, by any award or industrial agreement made under the Industrial
 35 **Arbitration Act, 1912, or any Act amending the same, and in**
 the cost of coal, or by reason of either of those causes, the gas
 company, whose cost of production is so increased, shall be entitled to
 have the standard price of its gas increased by proclamation in
 40 **manner hereinafter provided by one penny per thousand cubic feet**
for every penny by which the cost of producing one thousand cubic
feet of gas is increased as aforesaid.

Upon the auditor of any gas company certifying to the Minister
that the cost of production of the gas of such company has been
increased

Gas.

increased by the reasons as aforesaid, or either of them, to the extent of at least one penny per thousand cubic feet, the Minister shall, with all reasonable despatch, cause an inquiry, at which the Minister and the gas company may be represented, to be held by a Supreme or
 5 District Court Judge, and if such judge shall certify that the cost of production has been so increased, the Governor shall forthwith, by proclamation in the Government Gazette, increase the standard price by one penny per thousand cubic feet in respect of every penny by which the
 10 said judge shall certify that the cost of production per thousand cubic feet of gas has been increased; and, further, provided that where the standard price has been increased as aforesaid with respect to any gas company, the Minister may at any time, and from time to time, cause a further inquiry to be held in the manner as aforesaid, and if such
 15 judge shall certify that the cost of production has been decreased by reason of an alteration in labour conditions, including wages by any award or industrial agreement made under the Industrial Arbitration Act, 1912, or any Act amending the same, and in the cost of coal, or by reason of either of those causes, the Governor shall
 20 forthwith, by proclamation in the Government Gazette, decrease the standard price in respect of the said company by one penny per thousand cubic feet for every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been decreased; but so that such decrease shall at no time reduce the
 25 standard price in respect of such company below that stated in Schedule One. No proclamation under either of the above provisoes shall be made with respect to any company within six months after the date of the last of such proclamations affecting such company :

Provided that the company shall reduce the price so charged by them for gas, below the standard price, in proportion to any
 30 increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company
 35 may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

40 Where a reduction in the price of gas is made by the company for six months only of any year, the dividend payable by the company for such year may, in respect of each penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion
 45 for any fraction of one hundred pounds. And in respect of any year during the whole of which the price charged by the company has been one penny or part of a penny above the standard
 standard

Gas.

standard price, the dividend payable by the company shall, in respect of each penny or part of a penny by which the standard price has been exceeded, be reduced below the standard rate of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

Where any increase in the price of gas is charged by the company for six months only of any year, the dividend payable by such company for such year shall, in respect of each penny of such increase, be reduced by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

Issue of additional shares.

~~22.~~ **21.** Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

- (a) All shares so to be issued shall be offered for sale by public auction or tender.
- (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction ~~on~~ or the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or after the last day for the receipt of tenders, as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers of

Issue of additional shares.

of

Gas.

- of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- 5
- (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.
- 10
- (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- 15
- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.
- 20
- 25

Accounts and audit.

~~22.~~ **22.** Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-
 30 first day of December then next preceding, as near as may be in the form, and containing the particulars specified in regulations under this Act. **Schedule Five** hereto or as near thereto as circumstances will permit.

Annual statement
of accounts.

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

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

40 ~~24.~~ **23.** (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public

Gas.

public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts. Examination and audit of accounts.

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

Where company ceases to supply gas.

25. Where the Minister certifies to the Governor that it has been proved to his satisfaction that a gas company has ceased to supply or has suspended the supply of gas, it shall be lawful for the Governor, by his officers and servants, to take possession temporarily of the land and premises of such company, and all machinery, plant, utensils, and materials used by it in the production and supply of gas, and the manufacture of by-products. Power of Governor to carry on temporarily the business of a gas company

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

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

The Governor shall, when he thinks fit, remove the manager and cause the company to be placed in possession of its property and business, and all matters of account to be adjusted with and all just payments to be made to the company.

General and supplemental.

~~26.~~ **24.** ~~Any Schedule to this Act~~ **On resolutions being passed by both Houses of Parliament authorizing the same, any Schedule to this Act: except Schedule One may be revoked, amended or added to, or a new Schedule in lieu thereof may be framed by the Governor, on resolutions being passed by both Houses of Parliament authorising the same; and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.** Amendment of Schedules.

Gas.

27. **25.** The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose a penalty not exceeding fifty pounds for any contravention thereof. Such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay. Regulations.

28. **26.** Any penalties under this Act, or the regulations thereunder, may be imposed and recovered by or before a stipendiary or police magistrate, or any two justices in petty sessions. Penalties.

29. **27.** (1) A gas company shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of such company, give and continue to give a supply of gas for such premises, and furnish and lay any pipe that may be necessary for such purpose: Provided that the cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company although not on such property, shall be defrayed by such owner or occupier. Cost of pipes to be defrayed by Gas Company and owner of premises.

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

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

28. In addition to the price charged by any company for gas supplied by it, such company may charge for the hire of any prepayment meter and fittings to be used therewith a price calculated at a rate not exceeding one shilling per thousand cubic feet of gas supplied, such price to include the hire of one meter and the fittings used therewith. Charge for hire of prepayment meter.

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

29.

Gas.

29. Any gas company including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same—

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

- 5 (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively ;
- 10 (b) raise or borrow money or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given in respect of any such sum or sums shall unless otherwise provided by the articles of association (if any) of such company be under the hands of any two of the directors and the secretary for the time being of the company and shall be in such form and shall contain such provisions as the directors may decide ;
- 15 (c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company and subdivide the existing shares of the company or any of them into shares of smaller amount so however that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.
- 20
- 25

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.	Standard price of gas per 1,000 cubic feet.
	s. d.
Australian Gaslight Company	3 3 6
North Shore Gas Company, Limited	3 3 6
35 The City of Newcastle Gas and Coke Company, Limited ...	3 3 6

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—

- No hydrogen sulphide.
- 40 Ammonia (not more than $2\frac{1}{2}$ grains per 100 cubic feet).

SCHEDULE

Gas.

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or
 5 Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be ~~such as shall be prescribed.~~ the
Metropolitan Argand Burner No. 2.

10 The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

Provided that gas companies, other than those named in Schedule One, may use Lowe's Jet Photometer for ascertaining the illuminating power of the gas in standard candles.

15 2. The apparatus for testing the presence in the gas of sulphuretted hydrogen shall be a glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

 SCHEDULE FOUR.
Method of testing.

20 1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

25 Each testing shall include ~~the~~ ten observations of the photometer made at intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

30 The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as
 35 representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel ~~comprising~~ **containing** the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the
 40 test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Gas.

SCHEDULE FIVE.
FORM OF ANNUAL ACCOUNTS.

The

Year ended 31st December, 19 .

Gas Company.

A.—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19 .

1 Description of Capital.	2 Standard Dividend Authorised.	3 Number of Shares issued.	4 Nominal Amount of Share.	5 Called up per Share.	6 Total paid up.	7 Amount issued but not paid up.	8 Remaining to be issued.	9 Total Amounts Authorised.

B.—STATEMENT OF LOAN CAPITAL.

On 31st December, 19 .

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

Total Share Capital paid up (See A.) £

Do Loan do borrowed (See B.)... .. £

Total Capital received £

Gas.

SCHEDULE FIVE—continued.

C.—CAPITAL ACCOUNT.

For the year ended 31st December, 19 .

	Expendi- ture to 31st Dec., 19 .	Expended this year.	Total to 31st December, 19 .		Certified Receipts, 31st Dec., 19 .	Received during year.	Total Receipts to 31st Dec., 19 .
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December, 19 ...				1. By Ordinary Shares of £ each ...			
<i>Since that date.</i>							
2. To lands acquired, in- cluding law charges ...				2. By Ordinary Shares of £ each ...			
3. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture				3. By Preference Shares of £ each ...			
4. To New and additional mains and service pipes (not being in place of old ones worn out) including laying same, paving, and other works connected with distribution ...				4. By Debenture Stock ...			
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing ...				5. By Mortgages and Bonds			
5 (a.) Do Stoves ...				6. By Amount received in anticipation of calls ...			
6. To Costs of promoting Special Act ...				7. By Premium Capital ...			
7. To Special items, if any...							
Total expenditure ...							
To balance of Capital Ac- count					
		£		Total	£

Gas.

SCHEDULE FIVE—continued.

D.—REVENUE ACCOUNT.

For the Year ended 31st December, 19 .

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

*Gas.*SCHEDULE FIVE—*continued.*

Dr.

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

Cr.

For the Year ended 31st December, 19 .

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

F.—RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—continued.

G.—SPECIAL PURPOSES FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Like Accounts must be given for Depreciation Fund for Works and Leaseholds (if any).

H.—STATEMENT OF COALS.

During the year ended 31st December, 19 .

Description of Coal.	In Store, 31st December, 19 .	Received during year.	Carbonised or used during year.	In Store 31st December, 19 .
	Tons.	Tons.	Tons.	

Gas.

SCHEDULE FIVE—*continued*.

I.—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

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

J.—GENERAL BALANCE-SHEET.

Dr

On 31st December, 19 .

Cr.

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

Gas.

SCHEDULE FIVE—continued.

Dr.	BALANCE-SHEET OF THE				COMPANY MADE UP TO				19	Cr.
CAPITAL AND LIABILITIES.					PROPERTY AND ASSETS.					
Showing—					Showing—					
		£	s.	d.	£	s.	d.	£	s.	d.
1. Capital.	1. The number of shares ...				Property held by the Company.			Immovable property, distinguishing—		
	2. The amount paid per share...							(a) Freehold land ...		
	3. If any arrears of calls, the nature of the arrears, and the names of the defaulters ...							(b) ,, buildings ...		
	4. The particulars of any forfeited shares... ..							(c) Leasehold ...		
2. Debts and liabilities of the Company	5. The amounts of loans on mortgages or debenture bonds.							Movable property, distinguishing—		
	6. The amount of debts owing by the Company distinguishing							(d) Stock-in-trade ...		
	(a) Debts for which acceptances have been given ...							(e) Plant		
	(b) Debts to tradesmen for Supplies of Stock-in-trade or other articles.				Debts owing to the Company			The cost to be stated, with deduction for deterioration in value as charged to the Reserve Fund or Profit and Loss.		
	(c) Debts for Law Expenses							Debts considered good, for which the Company holds bills or other securities		
	(d) Debts for Interest on debentures or other loans							Debts considered good, for which the Company holds no security		
	(e) Unclaimed dividends...							Debts considered doubtful and bad		
	(f) Not enumerated above.							(Any debt due from a director or other officer of the Company to be separately stated.)		
Reserve Fund.	The amount set aside from profits				Cash and Investments.			The nature of Investment and rate of Interest		
Special Purposes Fund.	The amount appropriated from Revenue under Clause of Act, for the purposes defined therein							The amount of Cash, where lodged, and if bearing interest.		
Depreciation Fund.	The amount set aside from profits									
Profit and Loss.	The disposable balance for payment of dividends, &c. ...									
Contingent Liabilities.	Claims against the Company not acknowledged as debts ...									
	Moneys for which the Company is contingently liable ...									
		£						£		

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.

Legislative Assembly Chamber,
Sydney, 19 September, 1912, A.M. }

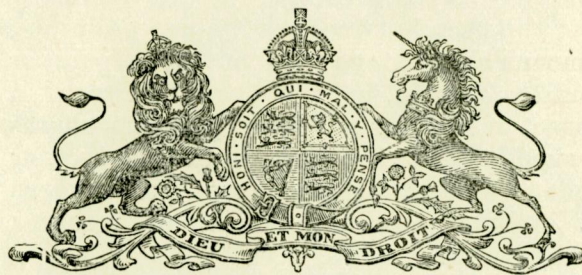
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, October, 1912. }

Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. , 1912.

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto.

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

5

Preliminary.

1. This Act may be cited as the "Gas Act, 1912," and except Short title. as to sections fifteen, twenty, and twenty-nine shall come into force on the first day of July, one thousand nine hundred and thirteen, and sections fifteen and twenty-nine shall come into force on the passing of the Act, and section twenty on the first day of January, one thousand nine hundred and thirteen.

31157

70—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Gas.

- 2.** In this Act, unless the context requires another meaning,— Definitions.
- “Gas company” means any company, corporation, firm, or person supplying any gas for lighting, heating, motive power, or other purpose, and disposing of the same for profit, ~~but does not include~~ and includes a local authority.
- “Gasworks” means works of a gas company, and the works connected therewith.
- “Local authority” means council of a municipality or shire.
- “Original capital” ~~means all moneys subscribed by the shareholders of a gas company as share capital in such company prior to the passing of this Act, but does not include premium, capital, or reserves,~~ means all moneys paid or to be paid, or credited or to be credited as paid, by the shareholders of a gas company in respect of fully or partially paid up shares in such company issued prior to the passing of this Act, or under the provisions of section fifteen thereof, but save as aforesaid does not include premium capital or reserves created after the passing of this Act.

Application of Act.

- 3.** This Act applies to all gas companies which do at the commencement of this Act, or may at any time thereafter, supply gas : Application of Act, Schedule One.
- Provided that clauses fifteen to ~~twenty-one~~ twenty inclusive shall not apply to any company until it has been included in Schedule One to this Act, or any addition to that Schedule.

Testing of gas.

- 4.** (1) The quality of the gas supplied by a gas company shall, with respect to its illuminating power, be such as to produce at a testing-place provided in conformity with this Act, when burned at the rate of five cubic feet per hour, a light equal in intensity to the light produced by ~~fifteen~~ fourteen sperm candles of six to the pound, each consuming one hundred and twenty grains of sperm per hour, and in making the test, two candles shall be used together. Illuminating power and purity of gas. Schedule Two.
- Such gas with respect to its heating power shall be not less than five-hundred British thermal units.
- Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto, which may be amended from time to time by proclamation in the Government Gazette :
- (2) The apparatus to be used for testing, and the method of testing the illuminating power of the gas, and the presence of sulphuretted hydrogen in the gas, shall be as prescribed in Schedule Three to this Act. Schedule Three.

Gas.

(3) A gas company shall provide ~~testing places, at places approved by the Minister,~~ a testing place at each of its manufacturing stations, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and
5 repair.

(4) The method of testing shall be as prescribed by Schedule Four, Schedule Four, to this Act, which may be amended from time to time by proclamation in the Government Gazette :

10 Provided that if any gas company affected by any amendment of Schedule Two or Four signifies its disapproval of such amendment by notice in writing to the Minister within fourteen days of the proclamation in the Gazette of such amendment, the same shall not take effect unless or until a district court judge appointed for the purpose shall have held a public inquiry, and allowed such amendment:
15 Provided that due notice shall be given of the holding of such inquiry to the Minister and to the gas companies affected who may be represented thereat.

5. If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the
20 company shall be liable to penalties as follows :—

For the first half of a candle of defective power, not exceeding forty shillings.

For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred
25 pounds :

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

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

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

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

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

Pressure

*Gas.**Pressure of gas.*

7. (1) Unless a gas company shall be prevented by accident ^{Pressure of gas.} or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs 5 to or making connections with such mains, all gas supplied by a gas company to any consumer of gas shall, ~~except in case of accident,~~ be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one 10 inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all 15 reasonable facilities for making the test.

For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

8. No meter shall be ~~used or~~ issued for use by a gas company ^{Testing of meters.} until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

9. The Governor may cause to be published in the Govern- ^{Regulations.} ment Gazette regulations providing for the testing, stamping, and 25 examination of meters, the registration by and regulation of meters, and any matters incidental thereto.

10. If at any time during any period between midnight and ^{Penalty for defect in pressure.} sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that 30 above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds :

Provided that where a penalty is imposed in respect of insufficiency of pressure in the gas supplied by the company during any period of twenty-four hours, no further penalty may be imposed 35 in respect of insufficiency of pressure in the gas supplied by the company during the same period.

Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect ^{Saving as to penalties.} of illuminating power, excess of impurity in the gas supplied by such 40 company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company: ~~Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company.~~

Gas

*Gas.**Gas examiners.*

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

Such examiners may at any reasonable hours, upon giving one day's notice to the gas company, test the illuminating power, purity, and pressure of the gas supplied by any gas company, and for that purpose may enter any land or premises of any such company.

Such company may, if it thinks fit, on each occasion of such testing, be represented by some person appointed by it, but such person shall not interfere in the testing.

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

13. A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. Standard rate of dividend.

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

(1) The companies specified in Schedule One hereto are hereby authorised and empowered within six months from the passing of this Act by resolution of the shareholders in general

Gas.

general meeting to capitalise the whole or any part of their reserves and premium capital, and may for that purpose—

- 5 (a) distribute the whole or any portion of such reserves and premium capital in the form of fully paid shares amongst the shareholders in proportion to the shares held by them respectively; and
- 10 (b) create and issue as fully paid amongst its shareholders in the like proportion, new shares to the nominal value of the reserves and premium capital to be distributed.
- (2) Any other gas company may in like manner capitalise the whole of its reserves and premium capital within six months from the date of its inclusion in Schedule One hereto.
- 15 (3) All shares created and issued under the provisions of this section shall be deemed to be "original capital" for the purposes of this Act:

20 Provided nevertheless that the amount of premium capital and reserves which may be so capitalised by the Australian Gaslight Company shall not exceed the sum of four hundred and twenty-five thousand pounds.

Special purposes fund.

25 **16.** (1) The directors of a gas company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to ~~one~~ two per centum of the paid-up capital of the company, ~~exclusive~~ inclusive of premiums, to a fund to be called "the special purposes fund." ^{Special purposes fund.}

30 (2) The special purposes fund shall be applicable only to meet such charges as are certified to by a ~~chartered~~ public accountant ~~or incorporated accountant~~ being the auditor of the company, and by such person as may be appointed for that purpose by the Minister, or at the option of the Minister by such public accountant as may be appointed for that purpose by the Auditor-General, as ^{Application of the fund.}

- 35 being—
- (a) expenses incurred by reason of accidents, ~~strikes~~, or circumstances which due care and management could not have prevented or; by reason of strikes; or
- 40 (b) expenses incurred in the replacement or removal of plant or works, other than expenses requisite for maintenance and renewal of plant and works, and for contributions towards a superannuation fund for employees.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal ^{Maximum amount of fund.} to one-tenth part of the paid-up capital of the company ~~exclusive~~ inclusive of premiums. (4)

Gas.

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

(5) Resort may from time to time be had to the special purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

10

Reserve fund.

17. When in any year the rate of dividend that may be paid on the ordinary share capital or stock of a gas company exceeds the standard rate, by reason of the price charged by the company for gas in such year being below the standard price as provided in section ~~twenty-one~~ **twenty**, then, out of the amount of the divisible profits of the company applicable to the payment of such excess of dividends, the directors of the company may in such year set apart such sum as they think fit by way of a reserve fund.

The total amount paid in any year by way of such excess dividend and the amount so set apart in such year to the reserve fund shall not when taken together exceed the total amount permitted to be paid by way of excess dividend under section ~~twenty-one~~ **twenty**.

When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum.

All sums (if any) so set apart and ~~any reserve or other fund of a similar character of the company existing at the commencement of this Act~~ may be invested in Government or other securities not connected with the business of the company, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest.

The fund so formed shall be called "the reserve fund." It shall be applicable as ~~hereinafter provided~~, to the payment of dividend in any year in which the clear profits of the company are insufficient to enable the company in such year to pay the ~~standard~~ **authorised** rate, and for no other purpose.

Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund:

18. If in any one year the profits of the company divisible amongst the shareholders do not amount to the standard rate, such a sum may be taken from the reserve fund as with the actual divisible profits of such year will enable the company to pay a dividend of the amount aforesaid, and so from time to time as often as the occasion requires.

Divisible

*Gas.**Divisible profits account.*

19. **18.** If the clear profits of the company in any year after providing for all expenses properly chargeable to revenue, amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be placed to the credit of an account to be called the divisible profits account; and not more than twenty per centum of the amount placed to the credit of such account in any year may be retained and carried forward to the credit of the divisible profits account of the following year, and the remainder, being not less than eighty per centum, shall be applied to the reduction of the price of gas and the payment of a dividend as provided in section twenty-one carried to the credit of the divisible profits of such company for the next following year: Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the standard rate.

Distribution of profits.

20. **19.** The profits of the company shall not be utilised in any other way than to provide for a special purposes fund, a reserve fund, and a divisible profits account as hereinbefore provided, and for the purposes mentioned in section ~~twenty-one~~ twenty. Any company paying moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which, after such conviction, such moneys are retained in any such account.

Sliding scale.

21. **20.** Notwithstanding anything contained in any Act or any memorandum or articles of association, the standard price to be charged by a gas company for gas supplied by it to private consumers by meter shall be at the rate set out in Schedule One hereto :

Provided that if at any time after the first day of January, one thousand nine hundred and thirteen, the cost of production of gas is increased by reason of any alteration in labour conditions, including wages, by any award or industrial agreement made under the Industrial Arbitration Act, 1912, or any Act amending the same, and in the cost of coal, or by reason of either of those causes, the gas company, whose cost of production is so increased, shall be entitled to have the standard price of its gas increased by proclamation in manner hereinafter provided by one penny per thousand cubic feet for every penny by which the cost of producing one thousand cubic feet of gas is increased as aforesaid.

Upon the auditor of any gas company certifying to the Minister that the cost of production of the gas of such company has been increased

Gas.

increased by the reasons as aforesaid, or either of them, to the extent of at least one penny per thousand cubic feet, the Minister shall, with all reasonable despatch, cause an inquiry, at which the Minister and the gas company may be represented, to be held by a Supreme or
5 District Court Judge, and if such judge shall certify that the cost of production has been so increased, the Governor shall forthwith, by proclamation in the Government Gazette, increase the standard price by one penny per thousand cubic feet in respect of every penny by which the said judge shall certify that the cost of production per thousand cubic
10 feet of gas has been increased; and, further, provided that where the standard price has been increased as aforesaid with respect to any gas company, the Minister may at any time, and from time to time, cause a further inquiry to be held in the manner as aforesaid, and if such judge shall certify that the cost of production has been decreased by
15 reason of an alteration in labour conditions, including wages by any award or industrial agreement made under the Industrial Arbitration Act, 1912, or any Act amending the same, and in the cost of coal, or by reason of either of those causes, the Governor shall forthwith, by proclamation in the Government Gazette, decrease the
20 standard price in respect of the said company by one penny per thousand cubic feet for every penny by which the said judge shall certify that the cost of production per thousand cubic feet of gas has been decreased; but so that such decrease shall at no time reduce the standard price in respect of such company below that stated in
25 Schedule One. No proclamation under either of the above provisoes shall be made with respect to any company within six months after the date of the last of such proclamations affecting such company:

Provided that the company shall reduce the price so charged by them for gas, below the standard price, in proportion to any
30 increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company
35 may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

40 Where a reduction in the price of gas is made by the company for six months only of any year, the dividend payable by the company for such year may, in respect of each penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion
45 for any fraction of one hundred pounds. And in respect of any year during the whole of which the price charged by the company has been one penny or part of a penny above the standard
standard

Gas.

standard price, the dividend payable by the company shall, in respect of each penny or part of a penny by which the standard price has been exceeded, be reduced below the standard rate of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

5

Where any increase in the price of gas is charged by the company for six months only of any year, the dividend payable by such company for such year shall, in respect of each penny of such increase, be reduced by two shillings and sixpence on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one hundred pounds.

10

Issue of additional shares.

~~22.~~ **21.** Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

Issue of additional shares.

- (a) All shares so to be issued shall be offered for sale by public auction or tender.
- (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or after the last day for the receipt of tenders, as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers

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of

Gas.

- of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- 5
- (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.
- 10
- (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- 15
- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.
- 20
- 25

Accounts and audit.

23. **22.** Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-
 30 first day of December then next preceding, as near as may be in the form, and containing the particulars specified in regulations under this Act. **Schedule Five** hereto or as near thereto as circumstances will permit.

Annual statement
of accounts.

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

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

40 **24. 23.** (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public

Gas.

public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts. Examination and audit of accounts.

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

Where company ceases to supply gas.

25. Where the Minister certifies to the Governor that it has been proved to his satisfaction that a gas company has ceased to supply or has suspended the supply of gas, it shall be lawful for the Governor, by his officers and servants, to take possession temporarily of the land and premises of such company, and all machinery, plant, utensils, and materials used by it in the production and supply of gas, and the manufacture of by-products. Power of Governor to carry on temporarily the business of a gas company

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

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

The Governor shall, when he thinks fit, remove the manager and cause the company to be placed in possession of its property and business, and all matters of account to be adjusted with and all just payments to be made to the company.

General and supplemental.

~~26.~~ **24.** Any Schedule to this Act **On resolutions being passed by both Houses of Parliament authorizing the same, any Schedule to this Act except Schedule One may be revoked, amended or added to, or a new Schedule in lieu thereof may be framed by the Governor, on resolutions being passed by both Houses of Parliament authorising the same; and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.** Amendment of Schedules.

Gas.

27. **25.** The Governor may make regulations for carrying out the Regulations.
 provisions of this Act, and may in such regulations impose a penalty
 not exceeding fifty pounds for any contravention thereof. Such
 regulations shall be published in the Gazette and laid before both
 5 Houses of Parliament without delay.

28. **26.** Any penalties under this Act, or the regulations Penalties.
 thereunder, may be imposed and recovered by or before a stipendiary
 or police magistrate, or any two justices in petty sessions.

29. **27.** (1) A gas company shall, upon being required so to do Cost of pipes to be
 defrayed by Gas
 Company and owner
 of premises.
 10 by the owner or occupier of any premises situate within twenty-five
 yards from any main of such company, give and continue to give a
 supply of gas for such premises, and furnish and lay any pipe that
 may be necessary for such purpose: Provided that the cost of so much
 15 of any pipe for the supply of gas to any owner or occupier as may be
 laid upon the property of such owner, or in the possession of such
 occupier, and of so much of any such pipe as may be laid for a
 greater distance than thirty feet from any pipe of the company
 although not on such property, shall be defrayed by such owner or
 occupier.

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

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

28. In addition to the price charged by any company for gas Charge for hire of
 prepayment meter.
 supplied by it, such company may charge for the hire of any prepay-
 ment meter and fittings to be used therewith a price calculated at a
 40 rate not exceeding one shilling per thousand cubic feet of gas supplied,
 such price to include the hire of one meter and the fittings used
 therewith.

The said price shall include the providing, letting, fixing,
 repairing, and maintenance of the meter and fittings, and the cost of
 45 collection, inspection, and any other cost incurred by the company in
 connection with the meter and fittings. **29.**

Gas.

29. Any gas company including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same—

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

- 5 (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively;
- 10 (b) raise or borrow money or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given in respect of any such sum or sums shall unless otherwise provided by the articles of association (if any) of such company be under the hands of any two of the directors and the secretary for the time being of the company and shall be in such form and shall contain such provisions as the directors may decide;
- 15
- 20 (c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company and subdivide the existing shares of the company or any of them into shares of smaller amount so however that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.
- 25

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.	Standard price of gas per 1,000 cubic feet.
	s. d.
Australian Gaslight Company	3 3 6
North Shore Gas Company, Limited	3 3 6
35 The City of Newcastle Gas and Coke Company, Limited ...	3 3 6

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—
 No hydrogen sulphide.
 40 Ammonia (not more than $2\frac{1}{2}$ grains per 100 cubic feet).

Gas.

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or
5 Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be ~~such as shall be prescribed.~~ the **Metropolitan Argand Burner No. 2.**

The candles used for testing the gas shall be sperm candles of six to the pound,
10 and two candles shall be used together.

Provided that gas companies, other than those named in Schedule One, may use Lowe's Jet Photometer for ascertaining the illuminating power of the gas in standard candles.

2. The apparatus for testing the presence in the gas of sulphuretted hydrogen
15 shall be a glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

SCHEDULE FOUR.*Method of testing.*

20 1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include the ten observations of the photometer made at
30 intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be
40 one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as
45 representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel ~~comprising~~ **containing** the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the
50 test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Gas.

SCHEDULE FIVE.

FORM OF ANNUAL ACCOUNTS.

The

Year ended 31st December, 19 .

Gas Company.

A.—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19 .

1 Description of Capital.	2 Standard Dividend Authorised.	3 Number of Shares issued.	4 Nominal Amount of Share.	5 Called up per Share.	6 Total paid up.	7 Amount issued but not paid up.	8 Remaining to be issued.	9 Total Amounts Authorised.

B.—STATEMENT OF LOAN CAPITAL.

On 31st December, 19 .

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

Total Share Capital paid up (See A.) £

Do Loan do borrowed (See B.)... .. £

Total Capital received £

Gas.

SCHEDULE FIVE—continued.

C.—CAPITAL ACCOUNT.

For the year ended 31st December, 19

	Expendi- ture to 31st Dec., 19 . .	Expended this year.	Total to 31st December, 19 . .		Certified Receipts, 31st Dec., 19 . .	Received during year.	Total Receipts to 31st Dec., 19 . .
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December, 19 ...				1. By Ordinary Shares of £ each ...			
<i>Since that date.</i>							
2. To lands acquired, in- cluding law charges ...				2. By Ordinary Shares of £ each ...			
3. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture				3. By Preference Shares of £ each ...			
4. To New and additional mains and service pipes (not being in place of old ones worn out) including laying same, paving, and other works connected with distribution ...				4. By Debenture Stock ...			
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing ...				5. By Mortgages and Bonds			
o (a.) Do Stoves ...				6. By Amount received in anticipation of calls ...			
6. To Costs of promoting Special Act ...				7. By Premium Capital ...			
7. To Special items, if any...							
Total expenditure ...							
To balance of Capital Ac- count					
			£	Total	£

Gas.

SCHEDULE FIVE—continued.

D.—REVENUE ACCOUNT.

For the Year ended 31st December, 19 .

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

*Gas.*SCHEDULE FIVE—*continued.*

Dr.

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

Cr.

For the Year ended 31st December, 19 .

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

F.—RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Gas.

SCHEDULE FIVE—*continued.*

G.—SPECIAL PURPOSES FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Like Accounts must be given for Depreciation Fund for Works and Leaseholds (if any).

H.—STATEMENT OF COALS.

During the year ended 31st December, 19 .

Description of Coal.	In Store, 31st December, 19 .	Received during year.	Carbonised or used during year.	In Store 31st December, 19 .
	Tons.	Tons.	Tons.	

Gas.

SCHEDULE FIVE—*continued.*

I.—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

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

J.—GENERAL BALANCE-SHEET.

Dr.

On 31st December, 19 .

Cr.

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

Gas.

SCHEDULE FIVE—continued.

Dr.	BALANCE-SHEET OF THE		COMPANY MADE UP TO		19 .	Cr.
	CAPITAL AND LIABILITIES.			PROPERTY AND ASSETS.		
	Showing—	£ s. d. £ s. d.		Showing—	£ s. d. £ s. d.	
1. Capital.	1. The number of shares ...		Property held by the Company.	Immovable property, distinguishing—		
	2. The amount paid per share...			(a) Freehold land		
	3. If any arrears of calls, the nature of the arrears, and the names of the defaulters ...			(b) „ buildings		
	4. The particulars of any forfeited shares... ..			(c) Leasehold		
2. Debts and liabilities of the Company	5. The amounts of loans on mortgages or debenture bonds.			Movable property, distinguishing—		
	6. The amount of debts owing by the Company distinguishing			(d) Stock-in-trade		
	(a) Debts for which acceptances have been given			(e) Plant		
	(b) Debts to tradesmen for Supplies of Stock-in-trade or other articles.		Debts owing to the Company	The cost to be stated, with deduction for deterioration in value as charged to the Reserve Fund or Profit and Loss.		
	(c) Debts for Law Expenses			Debts considered good, for which the Company holds bills or other securities		
	(d) Debts for Interest on debentures or other loans			Debts considered good, for which the Company holds no security		
	(e) Unclaimed dividends...			Debts considered doubtful and bad		
Reserve Fund.	(f) Not enumerated above.			(Any debt due from a director or other officer of the Company to be separately stated.)		
Special Purposes Fund.	The amount set aside from profits		Cash and Investments.	The nature of Investment and rate of Interest		
	The amount appropriated from Revenue under Clause of Act, for the purposes defined therein			The amount of Cash, where lodged, and if bearing interest.		
Depreciation Fund.	The amount set aside from profits					
Profit and Loss.	The disposable balance for payment of dividends, &c. ...					
Contingent Liabilities.	Claims against the Company not acknowledged as debts ...					
	Moneys for which the Company is contingently liable ...					
		£			£	

1912.

Legislative Council.

GAS BILL.

(Amendments to be proposed in Committee of the Whole.)

By the HON. C. E. PILCHER :—

- Page 2, clause 4, lines 38 and 39. *Omit* “testing-places at places
“approved by the Minister” *insert* “a testing-place at
“each of the manufacturing stations”
- Page 3. At end of clause 5 *add* “Provided also that the average of
“the testings made at such testing-place on that day and
“on the preceding and on the following day shall be deemed
“to represent the illuminating power of such gas on such
“day at such testing-place”
- Page 11, clause 29. *After* clause 29 *insert* the following new
clause :—

In addition to the price charged by any company for gas
supplied by it, such company may charge for the hire of any prepay-
ment meter and fittings to be used therewith a price calculated at a
rate not exceeding one shilling per thousand cubic feet of gas supplied,
such price to include the hire of one meter and the fittings used
therewith.

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

By the HON. F. E. WINCHCOMBE :—

- Page 7, clause 21. At end of clause *add* “And in respect of
“any year during the whole of which the price charged
“by the company has been one penny or part of a penny
“above the standard price, the dividend payable by the
“company shall, in respect of each penny or part of a penny
“by

“by which the standard price has been increased, be reduced
 “below the standard rate of dividend by five shillings on
 “every one hundred pounds of paid-up capital, and so in pro-
 “portion for any fraction of one hundred pounds.”

“Where any increase in the price of gas is charged by the
 “company for six months only of any year, the dividend
 “payable by such company for such year shall, in respect of
 “each penny of such increase, be reduced by two shillings
 “and sixpence on every one hundred pounds of paid-up
 “capital, and so in proportion for any fraction of one hundred
 “pounds”

- Page 10, clause 29, line 34. *After* “occupier” first occurring *insert*
 “and of so much of any such pipe as may be laid for a
 “greater distance than thirty feet from any pipe of the
 “company although not on such property.”
- Page 10, clause 29, line 38. *Omit* “thirty” *insert* “sixty”
- Page 11, clause 29, line 2. *After* “of” *insert* “such supply of gas
 “as may be registered by meter, and of”
- Page 11, clause 29, line 4. *After* “company” *insert* “wilfully”

By the HON. SIR JOSEPH CARRUTHERS:—

- Page 1, clause 1. At end of clause *add* “This Act shall commence
 “and take effect on and from the first day of July, one
 “thousand nine hundred and thirteen.”
- Page 2, clause 4, line 33. *After* “Gazette” *add* “Provided that
 “no such amendment shall be made unless a district court
 “judge appointed for the purpose shall have held a public
 “inquiry, of which due notice shall be given by the Minister
 “to the company, which may be represented at such inquiry,
 “and have made a report recommending such amendment.”
- Page 3, clause 7. Before line 28 *insert* “Unless a gas company shall
 “be prevented by accident or by the necessity of opening or
 “otherwise disturbing its mains in the locality for the
 “purpose of effecting repairs to or making connections with
 “such mains.”
- Page 3, clause 7, line 29. *Omit* “except in case of accident”
- Page 3, clause 8, line 43. *Omit* “used or”
- Page 3, clause 8, line 43. *After* “company” *insert* “after the
 “commencement of this Act”
- Page 4, clause 12, line 26. *After* “hours” *insert* “upon giving one
 “day’s notice to the gas company”
- Page 5, clause 16, line 18. *Omit* “one” *insert* “two”
- Page 5, clause 16, line 19. *Omit* “exclusive” *insert* “inclusive”

Page

- Page 5, clause 16, lines 23 and 24. *Omit* "and by such person as
"may be appointed for that purpose by the Minister" *insert*
"or at the option of the Minister by such chartered or
"incorporated accountant as may be appointed for that
"purpose by the Auditor-General."
- Page 5, clause 16, line 34. *Omit* "exclusive" *insert* "inclusive"
- Page 6, clause 17. *Omit* lines 1 to 13.
- Page 6, clause 17, lines 18 to 20. *Omit* "and any reserve or other
"fund of a similar character of the company existing at the
"commencement of this Act"
- Page 6, clause 17, line 26. *Omit* "as hereinafter provided"
- Page 6, clause 17, line 28. *Omit* "standard" *insert* "authorised"
- Page 6. *Omit* clause 18.
- Page 6, clause 19, line 39. *After* "profits" *insert* "after providing
"for all expenses properly chargeable to revenue."
- Page 6, clause 19, line 41. *After* "be" *omit* remainder of clause
insert "carried to the credit of the divisible profits of such
"company for the next following year: Provided that the
"sum standing to the credit of such divisible profits shall
"not at any time exceed the amount required to pay one
"year's dividend at the authorised rate."

By the HON. A. W. MEEKS:—

- Page 2, clause 2, lines 4 and 5. *Omit* "but does not include" *insert*
"and includes"
- Page 2, clause 2, line 9. *After* "capital" *omit* remainder of clause
insert "means all moneys paid or to be paid by the share-
"holders of a gas company in respect of fully or partially
"paid up shares in such company issued prior to the
"commencement of this Act, but does not include premium
"capital or reserves created after the commencement of this
"Act."
- Page 5, clause 16, line 25. *Omit* "strikes"
- Page 5, clause 16. At end of paragraph (a) *add* "by reason of
"strikes; or"
- Page 11, Schedule Three. *After* line 29 *insert* "Provided that gas
"companies, other than those named in Schedule One, may
"use Lowe's Jet Photometer for ascertaining the illuminating
"power of the gas in standard candles"

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in respect of any such sum or sums shall unless otherwise provided by the Articles of Association (if any) of such company be under the hands of any three of the directors and the secretary for the time being of the company and shall be in such form and shall contain such provisions as the directors may think fit.

Legislative Council.

(c) consolidate and divide all or any of the share capital of the company into shares of larger amount than the existing shares of the company and subdivide the existing shares of the company into shares of smaller amount than the existing shares of the company.

GAS BILL.

(Amendments to be proposed in Committee of the Whole by THE HON. J. ASHTON.)

Page 4, clause 11, lines 20 to 22. Omit "Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company"

Page 9, clause 23, lines 9 and 10. Omit "regulations under this Act" insert "Schedule Five hereto, or as near thereto as circumstances will permit"

Pages 9 and 10, clause 25. Omit clause 25.

Page 10, clause 26, line 14. Omit "Any schedule to this Act" insert "On resolutions being passed by both Houses of Parliament authorizing the same any schedule to this Act except Schedule One"

Page 10, clause 26, lines 16 and 17. Omit "On resolutions being passed by both Houses of Parliament authorizing the same"

Page 11. After clause 29 insert the following new clause:—

31. Notwithstanding the provisions of Clause One of this Act any gas company including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same:—

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively.
- (b) raise or borrow money or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given

in respect of any such sum or sums shall unless otherwise provided by the Articles of Association (if any) of such company be under the hands of any three of the directors and the secretary for the time being of the company and shall be in such form and shall contain such provisions as the directors may decide

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

Page 11, Schedule One, lines 13, 14, and 15. *Omit* "3s. 3d." *insert* "3s. 9d."

Page 11, Schedule Two, line 20. *Omit* "Ammonia (not more than 2½ grains per 100 cubic feet)"

Page 11, Schedule Three, line 27. *Omit* "such as shall be prescribed" *insert* "The Metropolitan Argand Burner No. 2"

Page 12, Schedule Four, line 7. *Omit* "the" first occurring *insert* "ten"

Page 12, Schedule Four, line 20. *Omit* "comprising" *insert* "containing"

1912.

Legislative Council.

GAS BILL.

(Amendments to be proposed in Committee of the Whole by THE HON. J. ASHTON.)

Page 4, clause 11, lines 20 to 22. Omit " Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company "

Page 9, clause 23, lines 9 and 10. Omit " regulations under this Act " insert " Schedule Five hereto, or as near thereto as circumstances will permit "

Pages 9 and 10, clause 25. Omit clause 25.

Page 10, clause 26, line 14. Omit " Any schedule to this Act " insert " On resolutions being passed by both Houses of Parliament authorizing the same any schedule to this Act except Schedule One "

Page 10, clause 26, lines 16 and 17. Omit " On resolutions being passed by both Houses of Parliament authorizing the same "

Page 11. After clause 29 insert the following new clause :—

31. Notwithstanding the provisions of Clause One of this Act any gas company including any or all of the companies specified in Schedule One hereto may at any time after the passing of this Act and notwithstanding the provisions of any Act constituting the same :—

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively.
- (b) raise or borrow money or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe. Any security given

in respect of any such sum or sums shall unless otherwise provided by the Articles of Association (if any) of such company be under the hands of any three of the directors and the secretary for the time being of the company and shall be in such form and shall contain such provisions as the directors may decide.

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

Page 11, Schedule One, lines 13, 14, and 15. Omit "3s. 3d." insert "3s. 9d."

Page 11, Schedule Two, line 20. Omit "Ammonia (not more than 2½ grains per 100 cubic feet)"

Page 11, Schedule Three, line 27. Omit "such as shall be prescribed" insert "The Metropolitan Argand Burner No. 2"

Page 12, Schedule Four, line 7. Omit "the" first occurring insert "ten"

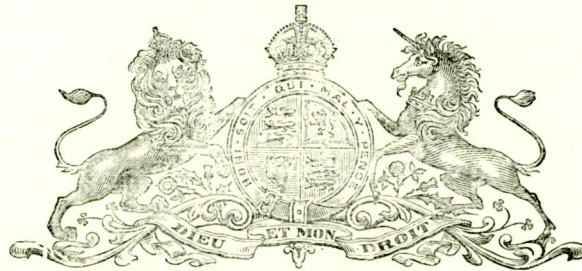
Page 12, Schedule Four, line 20. Omit "comprising" insert "containing"

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.

*Legislative Assembly Chamber,
Sydney, 19 September, 1912, A.M. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO TERTIO

GEORGI V REGIS.

Act No. , 1912.

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto.

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

5

[Preliminary.]

1. This Act may be cited as the "Gas Act, 1912."

70—A

2. Short title;

Gas.

2. In this Act, unless the context requires another meaning,— Definitions.

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

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

“Local authority” means council of a municipality or shire.

“Original capital” means all moneys subscribed by the shareholders of a gas company as share capital in such company prior to the passing of this Act, but does not include premium, capital, or reserves.

Application of Act.

3. This Act applies to all gas companies which do at the commencement of this Act, or may at any time thereafter, supply gas: Application of Act. Schedule One.
Provided that clauses fifteen to twenty-one inclusive shall not apply to any company until it has been included in Schedule One to this Act, or any addition to that Schedule.

Testing of gas.

4. (1) The quality of the gas supplied by a gas company shall, with respect to its illuminating power, be such as to produce at a testing-place provided in conformity with this Act, when burned at the rate of five cubic feet per hour, a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, each consuming one hundred and twenty grains of sperm per hour, and in making the test, two candles shall be used together. Illuminating power and purity of gas. Schedule Two.

Such gas with respect to its heating power shall be not less than five-hundred British thermal units.

Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto, which may be amended from time to time by proclamation in the Government Gazette.

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

(3) A gas company shall provide testing-places, at places approved by the Minister, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and repair.

(4) The method of testing shall be as prescribed by Schedule Four to this Act, which may be amended, from time to time by proclamation in the Government Gazette. Schedule Four.

5.

Gas.

5. If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the company shall be liable to penalties as follows :—

Penalty for defect in illuminating power.

5 For the first half of a candle of defective power, not exceeding forty shillings.

For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred pounds :

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

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

Penalty for defect in purity.

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

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

Pressure of gas.

7. (1) All gas supplied by a gas company to any consumer of gas shall, except in case of accident, be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure of gas.

35 (2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all reasonable facilities for making the test.

40 For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

8. No meter shall be used or issued for use by a gas company until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

Testing of meters.

Gas.

9. The Governor may cause to be published in the Government Gazette regulations providing for the testing, stamping, and examination of meters, the registration by and regulation of meters, and any matters incidental thereto. Regulations.

5 **10.** If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds. Penalty for defect in pressure.

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

15 *Saving as to penalties.*

11. No penalty shall be incurred by a gas company for defect of illuminating power, excess of impurity in the gas supplied by such company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company: Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company. Saving as to penalties.

Gas examiners.

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

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

30 Such company may, if it thinks fit, on each occasion of such testing, be represented by some person appointed by it, but such person shall not interfere in the testing.

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

35 **13.** A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

*Gas.**Standard rate of dividend.*

15. Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Special purposes fund.

16. (1) The directors of a gas company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to one per centum of the paid-up capital of the company, exclusive of premiums, to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as are certified to by a chartered accountant or incorporated accountant being the auditor of the company, and by such person as may be appointed for that purpose by the Minister, as being—

(a) expenses incurred by reason of accidents, strikes, or circumstances which due care and management could not have prevented; or

(b) expenses incurred in the replacement or removal of plant or works, other than expenses requisite for maintenance and renewal of plant and works, and for contributions towards a superannuation fund for employees.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the company exclusive of premiums.

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

(5) Resort may from time to time be had to the special purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

Reserve

*Gas.**Reserve fund.*

17. When in any year the rate of dividend that may be paid ^{Reserve fund.} on the ordinary share capital or stock of a gas company exceeds the standard rate, by reason of the price charged by the company for gas in such year being below the standard price as provided in section twenty-one, then, out of the amount of the divisible profits of the company applicable to the payment of such excess of dividends, the directors of the company may in such year set apart such sum as they think fit by way of a reserve fund.

10 The total amount paid in any year by way of such excess dividend and the amount so set apart in such year to the reserve fund shall not when taken together exceed the total amount permitted to be paid by way of excess dividend under section twenty-one.

15 When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum.

20 All sums (if any) so set apart and any reserve or other fund of a similar character of the company existing at the commencement of this Act may be invested in Government or other securities not connected with the business of the company, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest.

25 The fund so formed shall be called "the reserve fund." It shall be applicable as hereinafter provided, to the payment of dividend in any year in which the clear profits of the company are insufficient to enable the company in such year to pay the standard rate, and for no other purpose.

30 Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund:

18. If in any one year the profits of the company divisible ^{Payment of dividends out of reserve fund.} amongst the shareholders do not amount to the standard rate, such a sum may be taken from the reserve fund as with the actual divisible profits of such year will enable the company to pay a dividend of the amount aforesaid, and so from time to time as often as the occasion requires.

Divisible profits account.

40 **19.** If the clear profits of the company in any year amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be placed to the credit of an account to be called the divisible profits account; and not more than twenty per centum of the amount placed to the credit of such account in any year may be retained and carried forward to the credit of

Gas.

of the divisible profits account of the following year, and the remainder, being not less than eighty per centum, shall be applied to the reduction of the price of gas and the payment of a dividend as provided in section twenty-one.

5

Distribution of profits.

20. The profits of the company shall not be utilised in any other way than to provide for a special purposes fund, a reserve fund, and a divisible profits account as hereinbefore provided, and for the purposes mentioned in section twenty-one. Any company paying 10 moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which, after such conviction, such moneys are retained in any such account.

Distribution of profits.

Sliding scale.

15 **21.** Notwithstanding anything contained in any Act or any memorandum or articles of association, the standard price to be charged by a gas company for gas supplied by it to private consumers by meter shall be at the rate set out in Schedule One hereto :

Standard price of gas. Schedule One.

20 Provided that the company shall reduce the price so charged by them for gas, below the standard price, in proportion to any increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

25 In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one 30 hundred pounds.

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

Issue of additional shares.

40 **22.** Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

Issue of additional shares.

(a) All shares so to be issued shall be offered for sale by public auction or tender.

(b)

Gas.

- 5 (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction on the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- 10 (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or last day for the receipt of tenders, as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- 15 (e) In the case of a sale by tender no reference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- 20 (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- 25 (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.
- 30 (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- 40 (j)
- 45

Gas.

- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.

Accounts and audit.

- 5 **23.** Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as near as may be in the form, and containing the particulars specified in regulations under 10 this Act. Annual statement
of accounts.

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

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

- 20 **24.** (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts. Examination and
audit of accounts.

- 25 (2) If any person obstructs the Auditor-General, or any officer appointed by him, in the exercise of his powers or the performance of his duties under this section, or without lawful excuse refuses to produce any book, account, document, writing, paper, or instrument in his possession or under his control, or to answer any question asked by the Auditor-General or such officer for the purpose of the exercise of such powers or performance of such duties, he shall be liable on conviction to a penalty not exceeding twenty pounds, and if any person, after conviction for any such offence, still refuses to produce any such book, account, document, writing, paper, or instrument, or to answer any such question, he shall be liable to a 30 further penalty not exceeding twenty pounds for every day during which such default continues.

Where company ceases to supply gas.

- 40 **25.** Where the Minister certifies to the Governor that it has been proved to his satisfaction that a gas company has ceased to supply or has suspended the supply of gas, it shall be lawful for the Governor, by his officers and servants, to take possession temporarily of the land and premises of such company, and all machinery, plant, utensils, and materials used by it in the production and supply of gas, and the manufacture of by-products. Power of Governor
to carry on
temporarily the
business of a gas
company.

The

Gas.

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

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

The Governor shall, when he thinks fit, remove the manager and cause the company to be placed in possession of its property and business, and all matters of account to be adjusted with and all just payments to be made to the company.

General and supplemental.

26. Any Schedule to this Act may be revoked, amended or added to, or a new Schedule in lieu thereof may be framed by the Governor, on resolutions being passed by both Houses of Parliament authorising the same; and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.

27. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose a penalty not exceeding fifty pounds for any contravention thereof. Such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay.

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

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

(2) Every owner or occupier of premises requiring a supply of gas shall serve a notice upon the Gas Company at the office, specifying the premises in respect of which such supply is required, and the day, not being earlier than thirty days, upon which supply is required to commence, and shall, if required by such company so to do, enter into a written contract with such company to continue to receive and pay for a supply of gas for a period of at least twelve months, and give to the company, if required by it to do so, security for

Gas.

for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be laid upon the property of such owner or in the possession of such occupier.

Whenever the company neglect or refuse to give a supply of 5 gas to any owner or occupier of premises, under such pressure as is prescribed, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

SCHEDULES.

SCHEDULE ONE.

10

Gas Companies to which this Act applies.

Company.	Standard price of gas per 1,000 cubic feet.
	s. d.
Australian Gaslight Company	3 3
North Shore Gas Company... ..	3 3
15 The City of Newcastle Gas and Coke Company, Limited ...	3 3

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—

20

- No hydrogen sulphide.
- Ammonia (not more than $2\frac{1}{2}$ grains per 100 cubic feet).

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or 25 Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be such as shall be prescribed.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

30

2. The apparatus for testing the presence in the gas of sulphuretted hydrogen.— A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Gas.

SCHEDULE FOUR.

Method of testing.

1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the 5 testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include the observations of the photometer made at intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour. †

- 10 The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the 15 combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

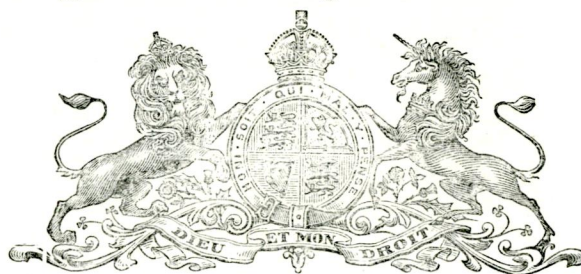
- 20 The gas shall be passed through the glass vessel comprising the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

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.

*Legislative Assembly Chamber,
Sydney, 19 September, 1912, A.M. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO TERTIO

GEORGI V REGIS.

Act No. , 1912.

An Act to prescribe standards of illuminating power, purity, and pressure for gas; to regulate the price of gas; to regulate companies, corporations, firms, and persons supplying gas, and particularly with regard to dividends, reserves, funds, accounts, and the issue of shares; and for purposes consequent thereon or incidental thereto.

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

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[Preliminary.]

1. This Act may be cited as the "Gas Act, 1912."

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Short title.

Gas.

2. In this Act, unless the context requires another meaning,— Definitions.

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

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

“Local authority” means council of a municipality or shire.

“Original capital” means all moneys subscribed by the shareholders of a gas company as share capital in such company prior to the passing of this Act, but does not include premium, capital, or reserves.

Application of Act.

3. This Act applies to all gas companies which do at the commencement of this Act, or may at any time thereafter, supply gas: Application of Act. Schedule One. Provided that clauses fifteen to twenty-one inclusive shall not apply to any company until it has been included in Schedule One to this Act, or any addition to that Schedule.

Testing of gas.

4. (1) The quality of the gas supplied by a gas company shall, with respect to its illuminating power, be such as to produce at a testing-place provided in conformity with this Act, when burned at the rate of five cubic feet per hour, a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, each consuming one hundred and twenty grains of sperm per hour, and in making the test, two candles shall be used together. Illuminating power and purity of gas. Schedule Two.

Such gas with respect to its heating power shall be not less than five-hundred British thermal units.

Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto, which may be amended from time to time by proclamation in the Government Gazette.

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

(3) A gas company shall provide testing-places, at places approved by the Minister, and all the apparatus required by this Act, for the testing of its gas, and shall at all times keep the same in proper order and repair.

(4) The method of testing shall be as prescribed by Schedule Four to this Act, which may be amended from time to time by proclamation in the Government Gazette. **5.** Schedule Four.

Gas.

5. If on any day the gas supplied by any gas company at any testing-place is of less illuminating power than as above prescribed, the company shall be liable to penalties as follows:—

5 For the first half of a candle of defective power, not exceeding forty shillings.

For the first and every subsequent candle of defective power, not less than twenty-five pounds and not exceeding one hundred pounds:

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

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

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

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

Pressure of gas.

30 7. (1) All gas supplied by a gas company to any consumer of gas shall, except in case of accident, be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

35 (2) Any gas examiner may at a testing-place, or at any public lamp, as and when he thinks fit, test the pressure at which the gas is supplied. The gas company shall afford to the examiner all reasonable facilities for making the test.

40 For the purpose of the test the examiner shall connect a self-registering pressure gauge to the lamp-cock by a flexible or other suitable pipe, which shall be gas-tight, and such pressure gauge shall be as nearly as practicable at the same level, as the lamp-cock.

45 8. No meter shall be used or issued for use by a gas company until it has been first tested and stamped by a Government examiner in accordance with the regulations published in pursuance of this Act.

9.

Gas.

9. The Governor may cause to be published in the Government Gazette regulations providing for the testing, stamping, and examination of meters, the registration by and regulation of meters, and any matters incidental thereto. Regulations.

10. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by a gas company is supplied at a pressure less than that above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds. Penalty for defect in pressure.

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

Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect of illuminating power, excess of impurity in the gas supplied by such company, or insufficiency of pressure, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstance beyond the control of the company: Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the company. Saving as to penalties.

Gas examiners.

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

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

Such company may, if it thinks fit, on each occasion of such testing, be represented by some person appointed by it, but such person shall not interfere in the testing.

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

13. A gas examiner shall, on the day immediately following that on which the testing has been conducted, make and deliver a report to be filed in the office of the Minister of the results of his testing, and deliver a copy of such report to the gas company. Report of testing.

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

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

Standard

*Gas.**Standard rate of dividend.*

15 **15.** Except as by this Act provided, the profits of any gas company to be divided among the holders of its share capital or stock in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say, on the original capital of the company at the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional capital to be raised after the passing of this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Special purposes fund.

15 **16.** (1) The directors of a gas company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to one per centum of the paid-up capital of the company, exclusive of premiums, to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as are certified to by a chartered accountant or incorporated accountant being the auditor of the company, and by such person as may be appointed for that purpose by the Minister, as being—

25 (a) expenses incurred by reason of accidents, strikes, or circumstances which due care and management could not have prevented; or

(b) expenses incurred in the replacement or removal of plant or works, other than expenses requisite for maintenance and renewal of plant and works, and for contributions towards a superannuation fund for employees.

30 (3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the company exclusive of premiums.

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

40 (5) Resort may from time to time be had to the special purposes fund, notwithstanding that the sum standing to the credit of the fund is, for the time being, less than the maximum allowed by this section.

Reserve

*Gas.**Reserve fund.*

17. When in any year the rate of dividend that may be paid ^{Reserve fund.} on the ordinary share capital or stock of a gas company exceeds the standard rate, by reason of the price charged by the company for gas in such year being below the standard price as provided in section twenty-one, then, out of the amount of the divisible profits of the company applicable to the payment of such excess of dividends, the directors of the company may in such year set apart such sum as they think fit by way of a reserve fund.

10 The total amount paid in any year by way of such excess dividend and the amount so set apart in such year to the reserve fund shall not when taken together exceed the total amount permitted to be paid by way of excess dividend under section twenty-one.

15 When the amount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be set apart under this section for such fund until the amount at credit of the fund falls below such ten per centum.

20 All sums (if any) so set apart and any reserve or other fund of a similar character of the company existing at the commencement of this Act may be invested in Government or other securities not connected with the business of the company, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest.

25 The fund so formed shall be called "the reserve fund." It shall be applicable as hereinafter provided, to the payment of dividend in any year in which the clear profits of the company are insufficient to enable the company in such year to pay the standard rate, and for no other purpose.

30 Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund:

18. If in any one year the profits of the company divisible amongst the shareholders do not amount to the standard rate, such a sum may be taken from the reserve fund as with the actual divisible ^{Payment of dividends out of reserve fund.} profits of such year will enable the company to pay a dividend of the amount aforesaid, and so from time to time as often as the occasion requires.

Divisible profits account.

40 **19.** If the clear profits of the company in any year amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be placed to the credit of an account to be called the divisible profits account; and not more than twenty per centum of the amount placed to the credit of such account in any year may be retained and carried forward to the credit ^{Divisible profits account.} of

Gas.

of the divisible profits account of the following year, and the remainder, being not less than eighty per centum, shall be applied to the reduction of the price of gas and the payment of a dividend as provided in section twenty-one.

5

Distribution of profits.

20. The profits of the company shall not be utilised in any other way than to provide for a special purposes fund, a reserve fund, and a divisible profits account as hereinbefore provided, and for the purposes mentioned in section twenty-one. Any company paying 10 moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which, after such conviction, such moneys are retained in any such account.

Distribution of profits.

Sliding scale.

15 **21.** Notwithstanding anything contained in any Act or any memorandum or articles of association, the standard price to be charged by a gas company for gas supplied by it to private consumers by meter shall be at the rate set out in Schedule One hereto :

Standard price of gas. Schedule One.

20 by them for gas, below the standard price, in proportion to any increase beyond the standard rate in the dividend payable by the company on the paid-up capital of the company, as follows:—

25 In respect of any year during the whole of which the price charged by the company has been one penny or more below the standard price, the dividend payable by the company may, in respect of each penny by which the standard price has been reduced, be increased above the standard rates of dividend by five shillings on every one hundred pounds of paid-up capital, and so in proportion for any fraction of one 30 hundred pounds.

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

Issue of additional shares.

22. Notwithstanding the provisions of any Act, or of any memorandum, or article of association relating to a gas company, the 40 issue after the commencement of this Act of any shares in such company shall be subject to the following provisions:—

Issue of additional shares.

(a) All shares so to be issued shall be offered for sale by public auction or tender.

(b)

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- 5 (b) Notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction on the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney.
- 10 (c) A reserve price shall be fixed, and notice thereof shall be sent by the company in a sealed letter, to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of auction, or last day for the receipt of tenders, as the case may be.
- 15 (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no reference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- 20 (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- 25 (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company, and to the employees of the company, and to the consumers of gas supplied by the company, in such proportions as the company may think fit, or to one or more of these classes of persons only: Provided, in the case of an offer to holders of shares or stock, that if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- 30 (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.
- 35 (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- 40 (j)
- 45

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- (j) The amount of premium shall be placed to the special purpose fund and shall in all cases be treated as non-dividend bearing.

Accounts and audit.

5 **23.** Every gas company shall cause to be filled up and forwarded to the Minister, on or before the thirty-first day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as near as may be in the form, and containing the particulars specified in regulations under
10 this Act.

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

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

24. (1) The Auditor-General, at the request of the Minister, shall, and the Minister may on his own initiative, or at the request of not less than twelve users of the gas of any gas company, cause the Auditor-General to examine and audit, or cause any officer of the public service appointed by him in that behalf to examine and audit the accounts of such gas company, and for the purposes of such audit examine any books and documents relating to such accounts.

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

Where company ceases to supply gas.

25. Where the Minister certifies to the Governor that it has been proved to his satisfaction that a gas company has ceased to supply or has suspended the supply of gas, it shall be lawful for the Governor, by his officers and servants, to take possession temporarily of the land and premises of such company, and all machinery, plant, utensils, and materials used by it in the production and supply of gas, and the manufacture of by-products.

Power of Governor to carry on temporarily the business of a gas company.

The

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

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

The Governor shall, when he thinks fit, remove the manager
10 and cause the company to be placed in possession of its property and business, and all matters of account to be adjusted with and all just payments to be made to the company.

General and supplemental.

26. Any Schedule to this Act may be revoked, amended or
15 added to, or a new Schedule in lieu thereof may be framed by the Governor, on resolutions being passed by both Houses of Parliament authorising the same; and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act. Amendment of Schedules.

27. The Governor may make regulations for carrying out the
20 provisions of this Act, and may in such regulations impose a penalty not exceeding fifty pounds for any contravention thereof. Such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay. Regulations.

28. Any penalties under this Act, or the regulations
25 thereunder, may be imposed and recovered by or before a stipendiary or police magistrate, or any two justices in petty sessions. Penalties.

29. (1) A gas company shall, upon being required so to do
30 by the owner or occupier of any premises situate within twenty-five yards from any main of such company, give and continue to give a supply of gas for such premises, and furnish and lay any pipe that may be necessary for such purpose: Provided that the cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, shall be defrayed by such owner or occupier. Cost of pipes to be defrayed by Gas Company and owner of premises.

35 (2) Every owner or occupier of premises requiring a supply of gas shall serve a notice upon the Gas Company at the office, specifying the premises in respect of which such supply is required, and the day, not being earlier than thirty days, upon which supply is required to commence, and shall, if required by such company so to
40 do, enter into a written contract with such company to continue to receive and pay for a supply of gas for a period of at least twelve months, and give to the company, if required by it to do so, security
for

Gas.

for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be laid upon the property of such owner or in the possession of such occupier.

Whenever the company neglect or refuse to give a supply of 5 gas to any owner or occupier of premises, under such pressure as is prescribed, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

SCHEDULES.

SCHEDULE ONE.

10	<i>Gas Companies to which this Act applies.</i>	
	Company.	Standard price of gas per 1,000 cubic feet.
		s. d.
	Australian Gaslight Company	3 3
	North Shore Gas Company... ..	3 3
15	The City of Newcastle Gas and Coke Company, Limited ...	3 3

SCHEDULE TWO.

Standard of purity.

Such gas shall contain—
 No hydrogen sulphide.
 20 Ammonia (not more than 2½ grains per 100 cubic feet).

SCHEDULE THREE.

Testing of illuminating power.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or 25 Evan's enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be such as shall be prescribed.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

30 2. The apparatus for testing the presence in the gas of sulphuretted hydrogen.—
 A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Gas.

SCHEDULE FOUR.

Method of testing.

1. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the 5 testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include the observations of the photometer made at intervals of a minute. The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

10 The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the 15 combustion shall have been more or less per candle than one hundred and twenty grains per hour, he shall make and record the calculations requisite to neutralise the effects of the difference. The average of each set of ten observations is to be taken as representing the illuminating powers of that testing.

2. Mode of testing for sulphuretted hydrogen.

20 The gas shall be passed through the glass vessel comprising the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed, and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.