

GEORGII V REGIS.

Act No. 71, 1912.

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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.]

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

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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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.

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.

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 :

(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,

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Illuminating power and purity of gas. Schedule Two.

Application of Act.

Schedule One.

Schedule Three.

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 Penalty for defect in testing-place is of less illuminating power than as above prescribed, the ^{illuminating power.} 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 Penalty for defect testing-place is of less purity than it ought to be, the company shall ^{in purity}. 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 testingplace 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*

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 selfregistering 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 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. 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.

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.

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.

Testing of meters.

Regulations.

Penalty for defect in pressure.

Saving as to penalties.

Gas

Gas.

Gas examiners.

12. The Governor may appoint competent and impartial 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 Report of testing. 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.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas Standard rate of company to be divided among the holders of its share capital or dividend. 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 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.

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

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.

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."

(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.

(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.

Special purposes fund.

Application of the fund.

Maximum amount of fund.

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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 after providing for all expenses properly chargeable to revenue, account 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.

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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

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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

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

Issue of additional shares.

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 nondividend bearing.

Accounts and audit.

22. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts. in each year, an annual statement of accounts, made up to the thirtyfirst 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.

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, Examination and shall, and the Minister may on his own initiative, or at the request of audit of accounts. 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.

(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.

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.

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.

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.

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

> (2) Every 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.

Amendment of Schedules.

Regulations.

Penalties.

Cost of pipes to be of premises.

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

28.

Gas.

28. In addition to the price charged by any company for gas Charge for hire of supplied by it, such company may charge for the hire of any prepay-prepayment meter. ment 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.

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 Power given specified in Schedule One hereto may at any time after the passing of additional capital, this Act and notwithstanding the provisions of any Act constituting borrow money, and 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 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.

SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.				per 1,000 cubic f			
					s.	d.	
Australian Gaslight Company					3	6	
North Shore Gas Company, Limited					3	6	
The City of Newcastle Gas and Coke (Compan	y, Limi	ted		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

Standard miles of a

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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.

SCHEDULE

Gas.

SCHEDULE FIVE.

FORM OF ANNUAL ACCOUNTS.

The

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Gas Company.

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Year ended 31st December, 19

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A .--- STATEMENT OF SHARE CAPITAL.

On the 31st December, 19

l 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.
				5.				

B.-STATEMENT OF LOAN CAPITAL.

On 31st December, 19 .

l 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,
	re Capital paid up (See n do borrowed (Se		£ £	

Total Capital received ...

... £

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 Receipt to 31st Dec., 19
1. To expenditure to 31st December, 19	£ s. d.	£ s. d.	£ s. d.	1. By Ordinary Shares of \pounds s. d. \pounds s. d. \pounds s. d. \pounds s. d. \pounds s.
Since that date.				Taterals, and labou
2. To lands acquired, in- cluding law charges	i liquor atomania	binostan oli häte ol sobalt		2. By Ordinary Shares of each
3. To New buildings, manu- facturing plant, ma- chincs, storage works and other structures con- nected with manufacture	iani ini i ini ini i ini	y ronds y tandy y other it	10.01 1.11 1-	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	orealber,			4. By Debenture Stock
laying same, paving, and other works connected with distribution				The Management The Management 12, 4 rectories ellowaners 15, 5 Invice of constants, and
5. To New and additional meters (not in place of old ones worn out) in-	C		- Retail	5. By Mortgages and Bonds
cluding fixing o (a.) Do Stoves		For Us	in the second	6. By Amount received in anticipation of calls
6. To Costs of promoting Special Act				15.1 www.uktury.Charge
7. To Special items, if any	o Penilli Gibbooc			7. By Premium Capital
Total expenditure				To of log items (it ant) and it and it and
To balance of Capital Ac- count				Deci V une (G), as mithorised under
		£		Total £

B

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Gas.

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	FIVE—continued.
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	NUE ACCOUNT.
For the Year ended	1 31st December, 19 .
Co Manufacture of Gas £ s. d. £ s. d.	d. By Sale of Gas-
1. Coals, oil, &c., including dues, car-	1. Private consumers at per thousand
riage, unloading, and all expenses of	cubic feet
depositing same on works	2. Public lighting and under contracts
2. Purifying materials, water, and sun-	
dries at works	3. Rental of meters
3. Salaries of Engineer, and other	
officers at works	
4. Wages and gratuities	
5. Repairs and maintenance of works	D G L (D 'lal D lat
and plant (including renewal of	By Sale of Residual Products—
retorts), machines, apparatus, tools,	4. Coke
materials, and labour	5. Breeze
Less old material sold	6. Tar
To Distribution of Gas—	7. Ammoniacal liquor
6. Salaries and wages of officers, in-	8. Sulphate of ammonia
cluding rental clerks	9. Asphalt
7. Repair, maintenance, and renewal of	10. By rents 11. By transfer fees
mains and service pipes, including	D 41 - 2
materials, laying and paving, and	By other items, if any
labour	a second s
8. Repairing, renewing, and fixing and	a second s
refixing meters, stoves, gasfittings, &c.	
Fo Public Lamps—	Charles and the second s
9. Lighting and repairing	I have a second a second s
To Rents, Rates, and Taxes—	
10. Rents	a second s
11. Rates and taxes	A fight a main and a second and a second a second a second as a
Co Management—	the second se
12. Directors' allowances	a difference and a second s
13. Salaries of secretary, accountant, and	
clerks, office-keepers, and messengers	The New Local Advantage States The States The
14. Collectors' commission or salaries	A STATE AND A STAT
15. Stationery and printing	
16. General establishment charges and	a state of the second se
incidentals	
17. Auditor	
To Law and Parliamentary Charges—	
18. Law	a state of the second
19. Parliamentary Charges	
To General Charges— 20. Depreciation Fund for works and	1 10 10 10 10 10 10 10 10 10 10 10 10 10
leasehold lands (if any)	
91 The Ded Debte	10 10 a
To other items (if any)	
To Amount transferred to Special Pur-	
poses Find (G), as authorised under	
, section	
	Total Receipts £
Total Expenditure £	
Balance carried to Profit and Loss	
Account (E) £	

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Dr.

SCHEDULE FIVE—continued.

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

For the Year ended 31st December, 19 .

 To amount carried to Reserve Fund Account (F) from profits of 19 To Interest on temporary loans, and moneys received in anticipation of calls	£ s. d.	 By balance of net profit brought from last Account (31st December, 19) By Amount drawn from Reserve Fund Less dividend paid for the half-year ended 31st December, 19 Balance brought from Revenue Account (D), being profit for year to December, 19 Interest on moneys deposited 	To Ity ion pre- can pre- pre- pre- pre- to Str the the the the the the the the the the	d.
Works and Leaseboids (if any).	£	Like Accounts must be given for Deprezia	£	

F.-RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

SCHEDULE FIVE—continued.

G.-Special Purposes Fund Account.

For the year ended 31st December, 19 .

 To Expenses incurred by reason of accidents, or circumstances which due care and management could not have prevented or by reason of strikes :	£ s. d.	 By Balance brought from last Account By Amount appropriated from Revenue Account (D) under section of Act By Interest on Amounts invested 		s. d
To Replacement of plantTo Removal of plantTo Other items (if any)3. To Amount of Balance to be carried to next Account	£	icror and preferential to 31st miles 19 your satividentian ordinary shares per cont i account, subject to haif year's fload to 31st December, 19	£	

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 .

b .e &	Description of Coal.	In Store, 31st December, 19 .	Received during year.	Carbonised or used during year.	In Store 31st December 19
· 199	 By balance brought from Profit and Lass Account (E) By interest on amounts invested model with 	Tons.	Tons.	Tons.	opoio processor processor 2.1.2
	Linear transferrenz to Special Forse	. 47	e carried to ne	of balance fo	

Gas.

SCHEDULE FIVE-continued.

I.-STATEMENT OF RESIDUAL PRODUCTS.

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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.
	and the second second	age entre			-	and the second s		
Coke							5.1.1.1.10	
Breeze								
Tar, Gallons								
Ammoniacal liquor								
Sulphate of ammonia			•••					
Asphalt			•••				A President	
						1 States and the second		

J.-GENERAL BALANCE-SHEET.

Dr

On 31st December, 19 .

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

22	Act No. 71, 1912.					
	G	as.	<u> </u>			
	SCHEDULE 1	FIVE_continued.	i c''l			
Dr.	BALANCE-SHEET OF THE	Company made up to 19.	Cr.			
	CAPITAL AND LIABILITIES.	PROPERTY AND ASSI	ETS.			
1. Capital.	Showing— 1. The number of shares 2. The amount paid per share	Showing— Property Immovable property, distinguish- held by the ing—	£ s. d. £ s. d.			
n Store, December, 19	3. If any arrears of calls, the nature of the arrears, and the names of the defaulters	Company. (a) Freehold land (b) ,, buildings	and the second sec			
2. Debtsand	 The particulars of any for- feited shares The amounts of loans on mort- 	Movable property, distinguish- ing —	and the set of the set			
liabilities of the Company	gages or debenture bonds. 6. The amount of debts owing by	(d) Stock-in-trade (e) Plant	Solco Breezeo			
Faily	(a) Debts for which accep- tances have been given	deduction for deterioration in value as charged to the Reserve Fund or Profit	Ammoniacal li			
	(b) Debts to tradesmen for Supplies of Stock-in-	and Loss. Debtsowing Debts considered good, for which	Asphals			
	(c) Debts for Law Ex- penses	to the Company bills or other securities Debts considered good, for which				
.:0	(d) Debts for Interest on debentures or other loans	the Company holds no se curity	Dr			
Reserve	(e) Unclaimed dividends (f) Not enumerated above. The amount set aside from	Debts considered doubtful and bad (Any debt due from a director	interest of the second			
Fund. Special Pur- poses Fund.	The amount appropriated from	or other officer of the Com- pany to be separately stated.)	1. To volt a			
	Act, for the purposes defined therein	Cash and The nature of Investment and Invest- ments. The amount of Cash, where	3. To Reserve Balance			
Deprecia- tion Fund. Profit and	The amount set aside from profits The disposable balance for pay-	lodged, and if bearing in- terest.	4. To special Baland 5. To Deprec			
Loss. Contingent Liabilities.	ment of dividends, &c Claims against the Company not acknowledged as debts	abold Lands)	Lou Baland			
	Moneys for which the Company is contingently liable	scorned and unpaid on mort-	To fatore			
	By Special Sector (if any), including in-	a demon and others, for any locals, Stores, for	S. To innor			

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[1s. 3d.]

By Authority : WILLIAM APPLEGATE 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. BICHD. A. ARNOLD, Clerk of the Legislative Assembly.



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.]

B 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.

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.

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 :

(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

Application of Act. Schedule One.

Illuminating power and purity of gas. Schedule Two.

Schedule Three.

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 Penalty for defect in testing-place is of less illuminating power than as above prescribed, the ^{illuminating power.} 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 Penalty for defect testing-place is of less purity than it ought to be, the company shall ^{in purity}. 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 testingplace on the same day:

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 selfregistering 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 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. 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.

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.

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.

Testing of meters.

Regulations.

Penalty for defect in pressure.

Saving as to penalties.

4

Pressure of gas.

Gas

Gas.

Gas examiners.

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

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 Report of testing. 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.

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

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

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas Standard rate of company to be divided among the holders of its share capital or dividend. 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.

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

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.

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."

(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.

(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.

Special purposes fund.

Application of the fund.

Maximum amount of fund.

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Gas.

(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 after providing for all expenses properly chargeable to revenue, account. 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

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.

9

Issue

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

Issue of additional shares.

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 nondividend bearing.

Accounts and audit.

22. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts. in each year, an annual statement of accounts, made up to the thirtyfirst 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.

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, Examination and shall, and the Minister may on his own initiative, or at the request of audit of accounts. 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.

(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,

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.

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.

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.

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.

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

> (2) Every 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.

Amendment of Schedules.

Regulations.

Penalties.

Cost of pipes to be of premises.

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

28.

Gas.

28. In addition to the price charged by any company for gas Charge for hire of supplied by it, such company may charge for the hire of any prepay- prepayment meter.

ment 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.

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 Power given specified in Schedule One hereto may at any time after the passing of additional capital, this Act and notwithstanding the provisions of any Act constituting borrow money, and 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 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.

SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

Company.				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

1.24
Act No. 71, 1912.

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.

SCHEDULE

Act No. 71, 1912.

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

l 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	Decem	ber,	19
----	------	-------	------	----

l 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	o (See A.)	 £
	Contra La Contra de				0

Do Loan do borrowed (See B.)... £

Total Capital received ...

... £

SCHEDULE FIVE—continued.

C.-CAPITAL ACCOUNT.

For the year ended 31st December, 19

ader contracts	Expendi- ture to 31st Dec., 19 .	Expended this year.	Total to 31st December, 19	au sha	Certified Receipts, 31st Dec., 19 .	Received during year.	Total Receipts to 31st Dec., 19 .
1. To expenditure to 31st December, 19		£ s. d.	£ s. d.	1. By Ordinary Shares of £ each	£ s. d.	£ s. d.	£ s. d.
Since that date.		1	in la			blovessA	
2. To lands acquired, in- cluding law charges	, топра і міпопіяція 	in official plate of plate	13 8 A. R	2. By Ordinary Shares of £ each		bation of laries' an uding you	To Dista 8. 8
3. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture	i	rander transfer other its		3. By Preference Shares of £ each		epake main ains and oterials, bouz pairing, p fitter mel	A A a a a A A A A A
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	l repairin nd Tuxes- uxes lowances	i Lampe ibing an the start the start quant restors a	To Public 9. Li 75 Rám 10. R 11. R 15 Man 12. D 13. S
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing				5. By Mortgages and Bonds		erics, offici illectors' c ationery e moral cel	0 14. 0 15. 5 16. G
o (a.) Do Stoves			in couse	6. By Amount received in anticipation of calls		neiden public reductr ind Partic	To Law
6. To Costs of promoting Special Act					t ry Charge	w. 	18. D 18. P
7. To Special items, if any				7. By Premium Capital		prodution mehold trad Tabl	207 D
Total expenditure				the second second		er items	To all
To balance of Capital Ac- count				thoused under		bm 7 md	I.,
		£		Total	1010 0.097×	£	nalott

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Act No. 71, 1912.

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, car-1. Private consumers at per thousand riage, unloading, and all expenses of cubic feet depositing same on works ... 2. Public lighting and under contracts ... 2. Purifying materials, water, and sundries at works ... 3. Rental of meters ... 3. Salaries of Engineer, and other officers at works 4. Wages and gratuities ... 5. Repairs and maintenance of works and plant (including renewal of By Sale of Residual Productsretorts), machines, apparatus, tools, 4. Coke materials, and labour 5. Breeze 6. Tar ... Less old material sold 7. Ammoniacal liquor ... To Distribution of Gas-... .. 8. Sulphate of ammonia ... 6. Salaries and wages of officers, in-.. 9. Asphalt cluding rental clerks 10. By rents 7. Repair, maintenance, and renewal of 11. By transfer fees mains and service pipes, including .. By other items, if any materials, laying and paving, and labour 8. Repairing, renewing, and fixing and refixing meters, stoves, gasfittings, &c. To Public Lamps-9. Lighting and repairing To Rents, Rates, and Taxes-10. Rents 11. Rates and taxes ... To Management-12. Directors' allowances 13. Salaries of secretary, accountant, and clerks, office-keepers, and messengers 14. Collectors' commission or salaries ... 15. Stationery and printing ... 16. General establishment charges and incidentals 1 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 Receipts Total Expenditure ... £ £ Balance carried to Profit and Loss Account (E) ... £

Act No. 71, 1912.

Gas.

SCHEDULE FIVE—continued.

Dr.

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

For the Year ended 31st December, 19 .

 To amount carried to Reserve Fund Account (F) from profits of 19 To Interest on temporary loans, and moneys received in anticipation of calls To Interest on Mortgages and Bonds accrued to 31st December, 19 To Dividend on Debenture stock to 31st December, 19 To Half-year's dividend on 1st preferen- tial to 30th June, 19 To Half-year's 2nd preferential to 31st December, 19 To Half-year's dividend on ordinary shares at per cent 	£ s. d.	 By balance of net profit brought from last Account (31st December, 19) By Amount drawn from Reserve Fund Less dividend paid for the half-year ended 31st December, 19 Balance brought from Revenue Account (D), being profit for year to December, 19 	£	s.	d.
atper centTo 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	4 4 0 1 201		
Works and I Saucholds (if any).	£a in frai	Like Accordia much he given for Deprecia	£	nation and	

F.-RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

Cr.

SCHEDULE FIVE—continued.

G.-Special Purposes Fund Account.

For the year ended 31st December, 19 .



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
2. De baren Freglet fran Leith na 174	Tons.	Tons.	Tons.	no des' TrajoutA - 15
. Ily intenst in substate prosted		e carried to no		norrio manointe , 8-
-			t i statistica de la constatistica de la constatistica de la constatistica de la constatistica de la constatis	a far an an an ann an an an an an an an an an

Act No. 71, 1912.

Gas.

SCHEDULE FIVE—continued.

I.-STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19

Description of Residu	al.	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 líquor Sulphate of ammonia Asphalt	···· ···					8 billeader) Heletti (kt) Heletti (kt) Heletti (kt) Heletti (kt)

J.-GENERAL BALANCE-SHEET.

Dr

On 31st December, 19 .

Cr.

 To Capital Account— Balance at credit thereof (Account C) To Profit and Loss Account— Balance at credit thereof (Account E) To Reserve Fund— Balance at credit thereof (Account F) To Special Purposes Fund— Balance at credit thereof (Account G) To Depreciation Fund (for works and Leasehold Lands)— Balance at credit thereof (Account) To Unpaid dividends To Interest accrued and unpaid on mort- gages, bonds, and debenture stock, and other loans to 31st December, 19 To Sundry tradesmen and others, for amounts due for Coals, Stores, &c., to 	£ s. d.	 By Cash at bankers By Cash on deposit at interest By Coals for stock on hand, 31st December, 19 By Coke and breeze By Coke and other products By Sundry stores By Accounts due to the Company on 31st December, 19 , less deposits and prepayments By Coke and other residual By Sundry accounts By Special items (if any), including in- 	£ s. d.
31st December, 19 9. To Wages and contingencies, amounts due to 31st December, 19 To Other items, if any		vestments	
£	alapiero L	2012 The Alexandrian time second for the	

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Act No. 71, 1912.

	G	<i>as.</i>
	SCHEDULE F	IVE—continued.
Dr.	BALANCE-SHEET OF THE	COMPANY MADE UP TO 19 . Cr.
	CAPITAL AND LIABILITIES.	PROPERTY AND ASSETS.
	Showing [£ s. d. [£ s. d.	
1 0 1 1		Property Immovable property, distinguish-
1. Capital.	1. The number of shares and a managed a 2. The amount paid per share	held by the ing-
	3. If any arrears of calls, the	Company. (a) Freehold land
In Store.	nature of the arrears, and the	enote (b) ,, buildings
	names of the defaulters	and an and the C (c) Leasehold in the S cologic of
19 . stimated:	4. The particulars of any for-	Movable property, distinguish-
.1)03381111080	feited shares	ing-
2. Debtsand	5. The amounts of loans on mort-	(d) Stock-in-trade (e) Plant
liabilities	gages or debenture bonds.	The cost to be stated, with
of the	6. The amount of debts owing by	deduction for deterioration
Company	the Company distinguishing (a) Debts for which accep-	in value as charged to the
	tances have been	Reserve Fund or Profit
	given	and Loss.
	(b) Debts to tradesmen for	
" week and a second second	Supplies of Stock-in-	Debtsowing Debts considered good, for which
	trade or other articles.	to the the Company holds bills or
	(c) Debts for Law Ex-	Company other securities
	penses	Debts considered good, for which the Company holds no se-
	(d) Debts for Interest on	ounity
.io	debentures or other er rode	Debts considered doubtful and
	loans (e) Unclaimed dividends	bad
-	(f) Not enumerated above.	(Any debt due from a director
Reserve	The amount set aside from deaD a. I	or other officer of the Com-
Fund.	profits depret at theoreb me deco 18.	O pany to be separately
Special Pur-	The amount appropriated from	stated.) - trues A asol in the short of
poses Fund.	Revenue under Clause of	Cash and The nature of Investment and rate of Interest
•	Act, for the purposes defined	C l - hand l
	The amount set aside from	ments. I The amount of Cash, where lodged, and if bearing in-
Deprecia-	The amount set aside from profits	O dan terest, ored tiboro ta epadad
tion Fund.		To Deprosistion Fund (for works and
Profit and Loss.	ment of dividends, &c	Lesschold Lands)-
Contingent	Claims against the Company not	Balance at credit thereof (Account)
Liabilities.	acknowledged as debts	To Ungai dividends
	Moneys for which the Company	"To Interest accreed and unpaid on mort-
	is contingently liable de l	garger, bonds, and debanture stoels, and
		To Sundry & tradesmen and others, for
	the second second second second second	amounts due for Coals, Stores, &c., to
and the second second	By Special Items (it any), including in-	Sist Decemper, 19
	Yessements	"Lo Wages and contingencies, amounts due
		to 31st December, 19
		Other items, if any

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

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

1912.

Legislatibe 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"

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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"

31157

NOTE.-These references are to the Council's reprint of the Assembly's Bill.

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 24 20. *Insert* lines 31 to 43 and page 9, lines 1 to 27 inclusive. Page 9, clause 24 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"

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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"

31157

NOTE.-These references are to the Council's reprint of the Assembly's Bill,

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" 31157 70-(4)

NOTE.-These references are to the Council's reprint of the Assembly's Bill.

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"

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NOTE.-These references are to the Council's reprint of the Assembly's Bill.

- 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 compay 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 " ffteen " 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

"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 31. Omit "or incorporated accountant"

Page 6, clause 16, line 27. Omit "exclusive" insert "inclusive" Page 6, clause 16, line 30. Omit "chartered" insert "public"

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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 24. 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 26, 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" ansert "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. Umit "3" second occurring insert "6"

After "Company" insert "Limited" Omit "3" second occurring insert "6" Page 14, Schedule One, line 34.

- Page 14, Schedule One, line 34.
- 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 rassed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislatice Assembly Chamler, Sydney, 19 September, 1912, A.M. S 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.





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.

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

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

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 off a gas company as share capital in such company prior to the passing of this Act, but does not include premium, espital, 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 Application of Act. 20 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.

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Testing of gas.

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 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.

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 35 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 Schedule Three. 40 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)

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(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 :

Provided that if any gas company affected by any amendment 10 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 Penalty for defect in testing-place is of less illuminating power than as above prescribed, the ^{illuminating power.} 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 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 Penalty for defect testing-place is of less purity than it ought to be, the company shall ^{in purity}. 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 testingplace on the same day:

Act No. , 1912.

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 price supplying the consumer

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 selfregistering 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.

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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 sunset, or during any period between sunset and midnight, the gas in pressure. 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 of illuminating power, excess of impurity in the gas supplied by such penalties.
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 examiners.

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

Such examiners may at any reasonable hours, upon giving one 5 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 10 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 Report of testing. that on which the testing has been conducted, make and deliver a 15 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.

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

20 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 Standard rate of company to be divided among the holders of its share capital or dividend. 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, 30 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 35 preference capital.

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

Act No. , 1912.

Gas.
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
5 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
10 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
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
in any year appropriate out of the revenue of the company, as part of fund.
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 t
30 to meet such charges as are certified to by a chartered public fund.
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-

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(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

(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 special purposes fund shall not at any time exceed an amount equal fund.

45 to one-tenth part of the paid-up capital of the company exclusive (4)inclusive of premiums.

(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 5 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.

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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

- 15 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 20 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 almount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be 25 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-Aet may be invested in Government or other securities not

30 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 35 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 40 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 amongst the share holders do not amount to the standard rate, such a reserve fund. 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

45 amount aforesaid, and so from time to time as often as the occasion Divisib's requires.

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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. by a gas company for gas supplied by it to private consumers by meter 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 manner hereinafter provided by one penny per thousand cubic feet 40 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

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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 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

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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 Issue of additional 15 memorandum, or article of association relating to a gas company, the ^{shares}. 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.
- 30 (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

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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 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 nondividend bearing.

Accounts and audit.

23. 22. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts 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.

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.

24. 23. (1) The Auditor-General, at the request of the Minister, 40 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

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

- (2) If any person obstructs the Auditor-General, or any 5 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
- 10 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
- 15 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 Power of Governor been proved to his satisfaction that a gas company has ceased to supply to carry on temporarily the 20 or has suspended the supply of gas, it shall be lawful for the Governor, business of a gas 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.

25 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 30 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 accountis.

The Governor shall, when he thinks fit, remove the manager and cause the company to be placed in possession of its property and 35 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 Amendment of both Houses of Parliament authorizing the same, any Schedule to Schedules. 40 this Ac: 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. 27.

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 10 by the owner or occupier of any premises situate within twenty-five defrayed by Gas Company and owner yards from any main of such company, give and continue to give a of premises. 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 15 laid upon the property of such owner, or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company although not on such property, shall be defrayed by such owner or occupier.

(2) Every owner or occupier of premises requiring a Thirty Sixty supply of gas shall serve a notice upon the Gas Company at the office, days' notice to be given when specifying the premises in respect of which such supply is required, requiring supply of and the day, not being earlier than thirty sixty days, upon which the gas. 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.

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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 supplied by it, such company may charge for the hire of any prepay-prepayment meter. 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.

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Gas.

29. Any gas company including any or all of the companies Power given specified in Schedule One hereto may at any time after the passing of companies to raise additional capital, this Act and notwithstanding the provisions of any Act constituting borrow money, and the same-

- 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;
 - (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.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

		s.	d.
Australian Gaslight Company		 3	36
North Shore Gas Company, Limited		 3	36
The City of Newcastle Gas and Coke Company, Lin	nited	 3	36

SCHEDULE TWO.

Standard of purity.

Such gas shall contain-No hydrogen sulphide.

Company.

Ammonia-(not-more-than-22-grains-per-100-cubic-feet)-

consolidate, and divide share capital.

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SCHEDULE

Standard price of gas per 1,000 cubic feet.

SCHEDULE THREE.

Testing of illuminating power.

 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 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.

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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 25 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 30 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, cr 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.

SCHEDULE

SCHEDULE FIVE.

FORM OF ANNUAL ACCOUNTS.

The

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Gas Company.

A .--- STATEMENT OF SHARE CAPITAL.

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On the 31st December, 19 .

Year ended 31st December, 19

l 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 .

l Description of Loan fortgage. 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 Capital received ...

... £
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SCHEDULE FIVE-continued.

C.-CAPITAL ACCOUNT.

For the year ended 31st December, 19

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	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
1. To expenditure to 31st December, 19	£ s. d.	£ s. d.	£ s. d.	1. By Ordinary Shares of £ each	£ s. d.	£ s. d.	£ s. d.
Since that date.							
2. To lands acquired, in- cluding law charges		R Har		2. By Ordinary Shares of £ each			
3. To New buildings, manu- facturing plant, ma- chincs, storage works and other structures con- nected with manufacture		rturi ana airr 1 philes (ber		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	Enisian area la area la		
5. To New and additional meters (not in place of old ones worn out) in- cluding fixing			•	 5. By Mortgages and Bonds 6. By Amount received in 		ate injoir actor in actor and actor and ater ine ater ine	
 6. To Costs of promoting Special Act 				anticipation of calls		and and the	
7. To Special items, if any				7. By Premium Capital			
Total expenditure					- total		
To balance of Capital Ac- count				adam bahari adam bahari		brind and	
		£		Total		£	equitati

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Gas.

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SCHEDULE FIVE—continued.

D.-REVENUE ACCOUNT.

For the Year ended 31st December, 19 .

To Manufusture of Cas	Cad	Cad	By Sale of Gas- £ s. d. £ s. d.
To Manufacture of Gas—	£ s. a.	£ S. U.	By Sale of Gas— 1. Private consumers at per thousand \pounds s. d. \pounds s. d.
1. Coals, oil, &c., including dues, car-			cubic feet
riage, unloading, and all expenses of		and the second s	2. Public lighting and under contracts
depositing same on works		1. 5 1	2. I ubile lighting and under contracts
2. Purifying materials, water, and sun-			3. Rental of meters
dries at works			o. itental of meters
3. Salaries of Engineer, and other	•		
officers at works			
4. Wages and gratuities			
5. Repairs and maintenance of works			Dr. Sale of Desidual Products
and plant (including renewal of			By Sale of Residual Products—
retorts), machines, apparatus, tools,			4. Coke
materials, and labour			5. Breeze
Less old material sold			$\begin{array}{cccccccccccccccccccccccccccccccccccc$
To Distribution of Gas-			7. Ammoniacal liquor
6. Salaries and wages of officers, in-			8. Sulphate of ammonia
cluding rental clerks			9. Asphalt
7. Repair, maintenance, and renewal of			10. By rents
mains and service pipes, including			11. By transfer fees
materials, laying and paving, and	1.1		By other items, if any
labour		1281	
8. Repairing, renewing, and fixing and			
refixing meters, stoves, gasfittings, &c.			
To Public Lamps—			
9. Lighting and repairing			
To Rents, Rates, and Taxes-			
10. Rents			
11. Rates and taxes			
To Management—			
12. Directors' allowances	1		
13. Salaries of secretary, accountant, and			
clerks, office-keepers, and messengers			
14. Collectors' commission or salaries			
15. Stationery and printing		1. 19 1. 14	
16. General establishment charges and			
incidentals			
17. Auditor			
To Law and Parliamentary Charges-			
18. Law			
19. Parliamentary Charges			
To General Charges—	1		
20. Depreciation Fund for works and		1 4 1 4 4	
leasehold lands (if any)			
21. To Bad Debts			
To other items (if any)			
To Amount transferred to Special Pur	1 1 1 1		
* poses Fund (G), as authorised under			
, section			Total Passinta
Total Expenditure			Total Receipts £
Balance carried to Profit and Loss	3		
Account (E) £		-	Langer Lange experimentation of the second of the second of the
]	

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SCHEDULE FIVE—continued.

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

For the Year ended 31st December, 19 .

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

F.-RESERVE FUND ACCOUNT.

For the year ended 31st December, 19 .

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

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SCHEDULE FIVE—continued.

G.-Special Purposes Fund Account.

For the year ended 31st December, 19 .



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
Caracteria de la construcción de la Construcción de la construcción de la constru	Tons.	Tons.	Tons.	Anna anna an Anna Anna Anna Anna Anna A
			-	

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 .

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1.	To Capital Account—	£	s.	d.	1. By Cash at bankers	£	s. d.
	Balance at credit thereof (Account C)				2. By Cash on deposit at interest	~	s. u.
2.	To Profit and Loss Account-				3. By Coals for stock on hand, 31st De-		
	Balance at credit thereof (Account E)	1.46.25			cember, 19		
3.	To Reserve Fund_	1 Partie			A Br Calso and humans		
	Balance at credit thereof (Account F)				4. By Coke and breeze		
4	To Special Purposes Fund-				5. By Tar and other products		
	Balance at credit thereof (Account G)				6. By Sundry stores		
5	To Depreciation Fund (for works and				7. By Accounts due to the Com-		
0.	To Depreciation Fund (for works and			-	pany; balance of this		
	Leasehold Lands)-				account due to the Com-		
0	Balance at credit thereof (Account)			1	pany on 31st December,		
6.	To Unpaid dividends				19, less deposits and		
7.	To Interest accrued and unpaid on mort-				prepayments		
	gages, bonds, and debenture stock, and				8. By Coke and other residual		
	other loans to 31st December, 19				9. By Sundry accounts		
8.	To Sundry tradesmen and others, for				· · · · · · · · · · · · · · · · · · ·		
	amounts due for Coals, Stores, &c., to				By Special items (if any), including in-		
	31st December, 19				vestments		
9.	To Wages and contingencies, amounts due				· · · · · · · · · · · · · · · · · · ·		
	to 31st December 19						
To	Other items if any						
	e	-			-		
	£			-	£		
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Act No. ,	T	9	12.
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Gas.

SCHEDULE FIVE—continued.

Dr.	BALANCE-SHEET OF THE	and an arm of the	Company made up to 19 .				
	CAPITAL AND LIABILIT	ries.	C un contes	PROPERTY AND ASSE	TS.		
I. Capital.	1. The number of shares	£ s. d. £ s. d.	Property	Immovable property, distinguish-	£ s. d. £ s. d		
	2. The amount paid per share		held by the	ing—	and the second		
ar Storey.	3. If any arrears of calls, the nature of the arrears, and the	ged min whatd	Company.	(a) Freehold land $\dots \dots \dots$ (b) ,, buildings \dots			
	names of the defaulters 4. The particulars of any for-	her most	Linnia	(c) Leasehold Movable property, distinguish-			
	feited shares			ing			
. Debts and liabilities	5. The amounts of loans on mort- gages or debenture bonds.			(d) Stock-in-trade (e) Plant	solet		
of the	6. The amount of debts owing by			The cost to be stated, with	A STATE OF A		
Company	the Company distinguishing			deduction for deterioration	THE COURSE OF		
	(a) Debts for which accep-			in value as charged to the			
	tances have been given			Reserve Fund or Profit and Loss.	Gentagn.		
•	(b) Debts to tradesmen for Supplies of Stock-in-		Debtsowing	Debts considered good, for which			
	trade or other articles.		to the	the Company holds bills or			
	(c) Debts for Law Ex-		Company	other securities			
	penses	CARDON ALA	E annon Di	Debts considered good, for which			
	(d) Debts for Interest on debentures or other		and in the or	the Company holds no se curity	15		
	loans			Debts considered doubtful and			
	(e) Unclaimed dividends			bad	The second se		
.b .s 3	(f) Not enumerated above.	1. B. Custon	B. A. B.	(Any debtdue from a director			
Reserve	The amount set aside from	S. B. Challer		or other officer of the Com-			
Fund. Special Pur-	profits The amount appropriated from	alway (d. 5	•	pany to be separately stated.)	a Alloria au		
oses Fund.	Revenue under Clause of	PER AN	Cash and	The nature of Investment and			
osco i unui	Act, for the purposes defined		Invest-	rate of Interest			
	therein	6. By Saide	ments.	The amount of Cash, where			
Deprecia-	The amount set aside from	T. Toy Longer	California and	lodged, and if bearing in-	Benedia (
ion Fund. Profit and	The disposable balance for pay-	Kored	Sec. Sec. 1	terest.	nation of the		
Loss.	ment of dividends, &c			and a second in the second second second	and a start and a start		
Contingent	Claims against the Company not	Con Contraction	************		Inequal of		
Liabilities.	acknowledged as debts	anness .	had the first	hingap ins intra-	approved ACT		
	Moneys for which the Company is contingently liable			anala anti-anti-anti-anti-anti- ana solotne litter-ener (19	January Galactic		
	£	- Joine Bredd		£	CTURNER -		

Sydney : William Applegate Gullick, Government Printer.-1912.

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[1s. ?d.]

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

Legislative Assembly Chamber, Sydney, 19 September, 1912, A.M. S Clerk of the Legislative Assembly.

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RICHD. A. ARNOLD.

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

Legislative Council Chamber, Sydney, October, 1912.

Clerk of the Parliaments.

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Rew South Wales.



ANNO TERTIO

REGIS. GEORGII

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.

) E it enacted by the King's Most Excellent Majesty, by and with D 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 10 of the Act, and section twenty on the first day of January, one

thousand nine hundred and thirteen. 70—A. 31157

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

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.

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"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.

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.

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Testing of gas.

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 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.

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 35 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 Schedule Three. 40 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).

(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 :

- Provided that if any gas company affected by any amendment 10 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 Penalty for defect in testing-place is of less illuminating power than as above prescribed, the ^{illuminating power.} 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 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 Penalty for defect testing-place is of less purity than it ought to be, the company shall in purity. 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 testingplace on the same day:

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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 selfregistering 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.

20 **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 sunset, or during any period between sunset and midnight, the gas in pressure.

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 of illuminating power, excess of impurity in the gas supplied by such penalties.
 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

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Gas examiners.

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

Such examiners may at any reasonable hours, upon giving one 5 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 10 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 Report of testing. that on which the testing has been conducted, make and deliver a been conducted, make and deliver a 15 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.

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

20 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 Standard rate of 25 company to be divided among the holders of its share capital or dividend. 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, 30 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 35 preference capital.

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 examiners, and testing by them.

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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.

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(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 in any year appropriate out of the revenue of the company, as part of fund.

- 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 30 to meet such charges as are certified to by a chartered public fund. 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-

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- (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
- (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 special purposes fund shall not at any time exceed an amount equal fund. 45 to one-tenth part of the paid-up capital of the company exclusive

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 5 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.

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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

15 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 20 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 almount at credit of the reserve fund equals or exceeds ten per centum of the paid-up capital of the company no sum shall be 25 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

30 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 35 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 40 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 amongst the share holders do not amount to the standard rate, such a reserve fund. 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 galabode

45 amount aforesaid, and so from time to time as often as the occasion Divisible requires-

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. Account 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 may be retained and carried forward to the credit of the divisible profits account of the following year, and the remainder, being not per centum, shall be applied to the reduction 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.} by a gas company for gas supplied by it to private consumers by meter

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 manner hereinafter provided by one penny per thousand cubic feet 40 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

Act No. , 1912.

Gas.

of at leas all reason the gas 5 District of production mation in penny pension said judg 10 feet of gas standard company a further judge sha 15 reason of award or Act, 19 of coal, forthwith 20 standard thousand certify th been dec standard 25 Schedule shall be the date P by them 30 increase company	A by the reasons as aforesaid, or either of them, to the extent st one penny per thousand cubic feet, the Minister shall, with nable despatch, cause an inquiry, at which the Minister and company may be represented, to be held by a Supreme or Court Judge, and if such judge shall certify that the cost of on has been so increased, the Governor shall forthwith, by procla- n the Government Gazette, increase the standard price by one er thousand cubic feet in respect of every penny by which the ge shall certify that the cost of production per thousand cubic as has been increased ; and, further, provided that where the price has been increased as aforesaid with respect to any gas , the Minister may at any time, and from time to time, cause ; inquiry to be held in the manner as aforesaid, and if such all certify that the cost of production has been decreased by f an alteration in labour conditions, including wages by any industrial agreement made under the Industrial Arbitration 12, or any Act amending the same, and in the cost or by reason of either of those causes, the Governor shall h, by proclamation in the Government Gazette, decrease the price in respect of the said company by one penny per l cubic feet for every penny by which the said judge shall hat the cost of production per thousand cubic feet of gas has reased; but so that such decrease shall at no time reduce the price in respect of such company below that stated in e One. No proclamation under either of the above provisoes made with respect to any company within six months after of the last of such proclamations affecting such company : 'rovided that the company shall reduce the price so charged i for gas, below the standard price, in proportion to any beyond the standard rate in the dividend payable by the y on the paid-up capital of the company, as follows :— 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	
// //	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 Wh	ere 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 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 Issue of additional 15 memorandum, or article of association relating to a gas company, the ^{shares.} 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.
- 20 (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.
 25 (c) A reserve price shall be fixed, and notice thereof shall be sent
 - (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 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 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 nondividend bearing.

Accounts and audit.

23. 22. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts. 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.

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

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

(2) If any person obstructs the Auditor-General, or any 5 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 10 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 15 further penalty not exceeding twenty pounds for every day during which such default continues.

Where company ceases to supply give.

25. Where the Minister certifies to the Governor that it has Power of Governor been proved to his satisfaction that a gas company h as ceased to supply to earry on 20 or has suspended the supply of gas, it shall be lawful for the Governor, business of a gas by his officers and servants, to take possession temporarily of the land company 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.

25 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

30 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 accountly.

The Governor shall, when he thinks fit, remove the manager and cause the company to be placed in possession of its property and 35 business, and all matters of account to be adjusted with and all just payments to be made to the company.

General and supplemental.

the collections, increased and and an

26. 24. Any-Schedule-to this Act On resolutions being passed by Amendment of both Houses of Parliament authorizing the same, any Schedule to Schedules. 40 this Ac: 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. 27.

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 10 by the owner or occupier of any premises situate within twenty-five defrayed by Gas Company and owner yards from any main of such company, give and continue to give a of premises. 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 15 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 supply of gas shall serve a notice upon the Gas Company at the office, days' notice to be given when specifying the premises in respect of which such supply is required, requiring supply of and the day, not being earlier than thirty sixty days, upon which the gas. 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 supplied by it, such company may charge for the hire of any prepay- prepayment meter. 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.

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

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(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.

SCHEDULES.

SCHEDULE ONE.

Gas companies to which this Act applies.

			s.	d.
Australian Gaslight Company			 3	36
North Shore Gas Company, Limited			 3	36
The City of Newcastle Gas and Coke Company,	Lim	ited	 3	36

SCHEDULE TWO.

Standard of purity.

Such gas shall contain— No hydrogen sulphide.

Company.

Ammonia (not-more than-21-grains-per-100-cubic-feet).

SCHEDULE

Standard price of gas per 1,000 cubic feet.

30

SCHEDULE THREE.

Testing of illuminating power.

 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

40 one hundred and twenty grains each per hour. Defore 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, cr 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.

SCHEDULE

Act No. , 1912.

Gas.

SCHEDULE FIVE.

.

FORM OF ANNUAL ACCOUNTS.

The

Year ended 31st December, 19

.

.

Gas Company.

16

A .-- STATEMENT OF SHARE CAPITAL.

On the 31st December, 19

l 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 .

l 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

£

1.5

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	Section of the sectio	Certified Receipts, 31st Dec., 19.	Received during year.	Total Receipts to 31st Dec., 19
1. To expenditure to 31st December, 19		£ s. d.	£ s. d.	1. By Ordinary Shares of £ each		£ s. d.	£ s. d.
Since that date.				and a second second	per el tra	Desirection	Mange.
2. To lands acquired, in- cluding law charges	en roupei.			2. By Ordinary Shares of £ each	na lisimila Saarii	a din pasti Mirina	Protect of T
5. To New buildings, manu- facturing plant, ma- chines, storage works and other structures con- nected with manufacture		Natio Nation National National National		3. By Preference Shares of £ each		and the second super spatia and a second super second super second super second super second super second super second super second super super second super second supe	
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	en anen Tretarg a Logi dan a Logi trenas	ectors' el ectos of ec electorios estecesios	n († 1911) 1927 - B.P. Nos Niska obskova
o (a.) Do Stoves				6. By Amount received in anticipation of calls	nitariq is ornordaildi	ne terdaran dan Terda dan terdar	ang tagan ang tagan a
6. To Costs of promoting Special Act				- agend) curries	arter for	
7. To Special items, if any				7. By Premium Capital		asi sani synaiti k si hisere	n (, 22) radiaO () B a() - DB
Total expenditure				the production of the		en filotos tastifiasi	or it
To balance of Capital Ac- count				i taktu ja Kimid	(real) Marina Na Pajas	r (sope) Solar Color Addate Pri	ulan di l ulan di Ti- Mj
· · · · ·	. stątos	£		Total	<u>.</u>	£	

17

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		G	as. '
	D.—	Revenu	IVE—continued. E Account. 31st December, 19 .
To Manufacture of Gas			
 Coals, oil, &c., including dues, carriage, unloading, and all expenses of depositing same on works Purifying materials, water, and sundries at works Salaries of Engineer, and other officers at works Wages and gratuities Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour 		± s. d.	By Sale of Gas— £ s. d. £ s. d. 1. Private consumers at per thousand cubic feet 2. Public lighting and under contracts 3. Rental of meters By Sale of Residual Products— 4. Coke 4. Coke 5. Breeze 6. Tar
 Less old material sold To Distribution of Gas— Salaries and wages of officers, including rental clerks Repair, maintenance, and renewal of mains and service pipes, including materials, laying and paving, and labour			7. Ammoniacal liquor 8. Sulphate of ammonia 9. Asphalt 10. By rents 11. By transfer fees By other items, if any
incidentals 17. Auditor To Law and Parliamentary Charges 18. Law 19. Parliamentary Charges 19. Parliamentary Charges 19. Parliamentary Charges 10. Depreciation Fund for works and leasehold lands (if any) 21. To Bad Debts To other items (if any) To Amount transferred to Special Pur- poses Fund (G), as authorised under , section Total Expenditure £ Balance carried to Profit and Loss			Total Receipts £

1

SCHEDULE FIVE—continued.

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

Cr.

19

For the Year ended 31st December, 19 .

 To amount carried to Reserve Fund Account (F) from profits of 19 To Interest on temporary loans, and moneys received in anticipation of calls	£ s. d.	 L By balance of net profit brought from last Account (31st December, 19) By Amount drawn from Reserve Fund Less dividend paid for the half-year ended 31st December, 19 Balance brought from Revenue Account (D), being profit for year to December, 19 	d.
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 .

 Amount (if any) carried to Profit and Loss Account (E) to make up deficen- cies of dividends to 31st December, 19 Amount paid for extraordinary claim or demand (if any) Amount of balance to be carried to next account 	£ s. d.	 By balance brought forward from last Account By balance brought from Profit and Loss Account (E)	
	£		£

Dr.

SCHEDULE FIVE—continued.

G.-SPECIAL PURPOSES FUND ACCOUNT.

For the year ended 31st December, 19 .

	 To Expenses incurred by reason of accidents, or circumstances which due care and management could not have prevented or by reason of strikes :	£ s. d.	 By Balance brought from last Account By Amount appropriated from Revenue Account (D) under section of Act By Interest on Amounts invested 	£ s. ć
--	---	---------	---	--------

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 .
In The second principal forward, principal and the second second	Tons.	Tons.	Tons.	and the second second
				annan fil is muund
			al of shaded i	e manerode di

SCHEDULE FIVE—continued.

I.-STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

Description of 1	Residu a l.	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				No.		
Tar, Gallons						
Ammoniacal liquor				a the second second		
Sulphate of ammonia Asphalt				States & States		
Asphart						

J.-GENERAL BALANCE-SHEET.

Dr.

On 31st December, 19 .

Cr.

1.	To Capital Account-	£	s. d.	1. By Cash at bankers £ s	d
	Balance at credit thereof (Account C)			2 By Cash on deposit at interest	. u.
2.	To Profit and Loss Account-			3. By Coals for stock on hand, 31st De-	
	Balance at credit thereof (Account E)	Land Martin		5. By Coals for stock on hand, 51st De-	
3	To Reserve Fund—			cember, 19	
0.	Balance at credit thereof (Account F)			4. By Coke and breeze	
1				5. By Tar and other products	
4.	To Special Purposes Fund—			6. By Sundry stores	
-	Balance at credit thereof (Account G)			7. By Accounts due to the Com-	
Э.	To Depreciation Fund (for works and			pany; balance of this	
	Leasehold Lands)-			account due to the Com-	
	Balance at credit thereof (Account)			pany on 31st December,	
6.	To Unpaid dividends			19, less deposits and	
7.	To Interest accrued and unpaid on mort-			prepayments	
	gages, bonds, and debenture stock, and			8. By Coke and other residual	
	other loans to 31st December, 19			9. By Sundry accounts	
8.	To Sundry tradesmen and others, for			v. by summy accounts	
	amounts due for Coals, Stores, &c., to			Py Special items (if) i 1 1:	
	31st December, 19			By Special items (if any), including in-	
9	To Wages and contingencies, amounts due			vestments	
•.	to 31st December 10				
To	Other items if any				
40	Other items, if any				
				-	
	£			£	
_					

Act No. , 1912.

Gas.

	SC	HEDULE F	IVE—contin	nued.	
Dr.	BALANCE-SHEET OF THE	and the AT	Company M	ADE UP TO 19.	Cr.
	CAPITAL AND LIABILI	TIES.	tion france	PROPERTY AND ASSETS.	
	Showing-	£ s. d. £ s. d.	an andream of	Showing— L s.	d. £ s. d
1. Capital.	1. The number of shares	2 5. u. 2 5. u.	Property	Immovable property, distinguish-	
	2. The amount paid per share	North Contractor	held by the	ing—	
a Alexo,	3. If any arrears of calls, the		Company.	(a) Freehold land	La Land
Deciminer,	nature of the arrears, and the		Décember,	(b) " buildings …	
A CALL	names of the defaulters	Patin Med.	Interior	(c) Leasehold	
	4. The particulars of any for	•		Movable property, distinguish-	
	feited shares	1		ing	
2. Debtsand			Chain Ree Los	(d) Stock-in-trade (e) Plant	020
liabilities	gages or debenture bonds.		1	The cost to be stated, with	No. Contraction
of the Company	6. The amount of debts owing by the Company distinguishing			deduction for deterioration	and a series
Company	(a) Debts for which accep			in value as charged to the	and where a
	tances have been		1	Reserve Fund or Profit	aniet.
	given			and Loss.	1
	(b) Debts to tradesmen for				
	Supplies of Stock-in		Debtsowing		
	trade or other articles		to the	the Company holds bills or	1
	(c) Debts for Law Ex	ann main	Company	other securities	
	penses			Debts considered good, for which	
.10	(d) Debts for Interest or		u Slet Doc	the Company holds no se-	Dr.
	debentures or other loans			curity Debts considered doubtful and	
	(e) Unclaimed dividends			bad	
6 - 12	(f) Not enumerated above	Steel Brit	.b. a &	(Any debt due from a director	No Oa
Reserve	The amount set aside from			or other officer of the Com-	
Fund.	profits	3. Il Coals		pany to be separately	
Special Pur-	The amount appropriated from	tend	E. M. M. S.	stated.)	ALL BA
poses Fund.	Revenue under Clause of		Cash and	The nature of Investment and	NOT OIL
•	Act, for the purposes defined	5. Ily Tar as	Invest-	rate of Interest	0
	therein	C. 15 Bunder	ments.	The amount of Cash, where	
Deprecia-	The amount set aside from	A US ACCOUNT		lodged, and if bearing in-	The local
tion Fund.	profits	Carded and a series	and set yes	terest.	
Profit and				(many A manufit shared ()	100
Loss.	ment of dividends, &c	and the second	L. S. Lake & Weissen	abreak and a second	1000
Contingent Liabilities.	Claims against the Company no acknowledged as debts	in the second se		strong no bigons has proved and	hal et
Liaomues.	Moneys for which the Company	R Br Coken		ban , south and dolong ture stock, and	
	is contingently liable		Part Barrier		
	ani aniiniani (in ani) ani	Tuibe V Let		£	
and participation of the			Price of the second	2	and the second

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Tegislative Conncil.

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 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.

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 70 - (3)

"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 "



in respect of any such sum or sums shall unless otherwise provided by the Articles of Association (if any) of moin company be under the digit of any times 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 Legislative Council ob yant arotoertb

(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 p-JJIB pap to shares of small r enount the part the part

(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 11. Sole
- Page 9, clause 23, lines 9 and 10. Omit "regulations under this Act" insert "Schedule Five hereto, or as near thereto as circum-" stances will permit"

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

- Fage 12, Scho 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 c 68—

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in

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 " $2\frac{1}{2}$ 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"

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(b) where when the moment of the montain or remarkent

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grind anothing official states in respect of any such sum or sums shall unless otherwise provided by the Arnoles of Association (if any) of such company be under the length 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 denifican suthalignat

(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 an LIIB (SAP) to share of smaller exponent the amount frequence is reduced where frequence is a share for the share for the

(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 circum-"stances 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 c 68— in

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- (c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company 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 " $2\frac{1}{2}$ 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"

will do to this Act

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(b) raise or horeow money or secure the payment or repayment of such money in soon wanted and upon such forms and conditions fundificers in the said company in general meeting or the discours may prescribe. Any security given of 66---

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day rassed, 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.

Petr South Whales.

ANNO TERTIO

GEORGII V REGIS.

Act No. , 1912.

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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.

DE 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." $70-\Lambda$

Short title

2.

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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 Application of Act. 15 commencement of this Act, or may at any time thereafter, supply gas: 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.

20 **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 light produced by fifteen sperm candles of six to the pound, each

25 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 30 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 Schedule Three.35 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, and all the apparatus required by this Act, 40 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. **5**.

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5. If on any day the gas supplied by any gas company at any Penalty for defect in testing-place is of less illuminating power than as above prescribed, the ^{illuminating power.} 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 10 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 Penalty for defect 15 testing-place is of less purity than it ought to be, the company shall in purity. 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 20 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 testingplace 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 25 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 Pressure of gas. gas shall, except in case of accident, be supplied at such pressure as
30 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.

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(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-40 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

9. The Governor may cause to be published in the Govern-Regulations. ment Gazette regulations providing for the testing, stamping, and 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 5 sunset, or during any period between sunset and midnight, the gas in pressure. 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.
- 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.

Saving as to penalties.

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11. No penalty shall be incurred by a gas company for defect Saving as to of illuminating power, excess of impurity in the gas supplied by such penalties. 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 20 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 examiners.

12. The Governor may appoint competent and impartial Appointment of 25 persons to be gas examiners.

- 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.

13. A gas examiner shall, on the day immediately following Report of testing. 35 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.

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

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

gas examiners, and testing by them.

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas standard rate of company to be divided among the holders of its share capital or dividend. stock in any year shall not exceed the following rate (which is in this 5 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 10 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, Special purposes in any year appropriate out of the revenue of the company, as part of fund. 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 20 fund."

(2) The special purposes fund shall be applicable only Application of the to meet such charges as are certified to by a chartered accountant or ^{fund}. 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 Maximum amount of special purposes fund shall not at any time exceed an amount equal fund. to one-tenth part of the paid-up capital of the company exclusive of

35 premiums.

(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
 40 applicable, or may be used partly in one way or partly in the other.

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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 5 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.

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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.

When the amount at credit of the reserve fund equals or exceeds 15 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 20 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:

1.8. If in any one year the profits of the company divisible Payment of amongst the shareholders do not amount to the standard rate, such a dividends out of sum may be taken from the reserve fund as with the actual divisible

35 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.

19. If the clear profits of the company in any year amount to Divisible profits 40 a larger sum than is sufficient to pay the authorised dividend on the account, 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

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.

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Distribution of profits.

20. 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. 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.

Sliding scale.

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

Provided that the company shall reduce the price so charged 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 :---

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.

Issue of additional shares.

22. Notwithstanding the provisions of any Act, or of any Issue of additional memorandum, or article of association relating to a gas company, the ^{shares.}
40 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)

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	Gas.
(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.
(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.
(e)	
(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.
(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 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.

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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 nondividend bearing.

Accounts and audit.

5 23. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts. in each year, an annual statement of accounts, made up to the thirtyfirst 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.

If any such company makes default in complying with the 15 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, Examination and shall, and the Minister may on his own initiative, or at the request of ^{audit of accounts.} not less than twelve users of the gas of any gas company, cause the

- 20 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.
- (2) If any person obstructs the Auditor-General, or any 25 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 Power of Governor been proved to his satisfaction that a gas company has ceased to supply to carry on temporarily the 40 or has suspended the supply of gas, it shall be lawful for the Governor, business of a gas 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.

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 Amendment of 15 added to, or a new Schedule in lieu thereof may be framed by the Schedules. 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 Regulations. 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.
- 28. Any penalties under this Act, or the regulations Penalties. 25 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 Cost of pipes to be by the owner or occupier of any premises situate within twenty-five defrayed by Gas Company and owner yards from any main of such company, give and continue to give a of premises.

30 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 Thirty days' notice supply of gas shall serve a notice upon the Gas Company at the office, to be given when requiring supply of specifying the premises in respect of which such supply is required, gas. 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

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.

Gas Companies to which this Act applies.

	Company.		TT				Standard price of gas per 1,000 cubic feet.			
	Australian Gaslight Company						s. 3	d. 3		
15	North Shore Gas Company The City of Newcastle Gas and	 Coke	 Compan y ,	 Lim	 ited	 	$\frac{3}{3}$	$\frac{3}{3}$		

SCHEDULE TWO.

Standard of purity.

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

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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.

SCHEDULE

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, cr 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.

Sydney: William Applegate Gullick, Government Printer.-1912.

[9d.]

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

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.

DE 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." 70--A

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Short title,

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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 Application of Act. **15** commencement of this Act, or may at any time thereafter, supply gas: 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.

20 **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 light produced by fifteen sperm candles of six to the pound, each 25 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 30 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 Schedule Three. 35 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, and all the apparatus required by this Act,40 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. **5**.

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	Gas.
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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 10 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 Penalty for defect 15 testing-place is of less purity than it ought to be, the company shall in purity. 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 20 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 testingplace 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 25 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 Pressure of gas. gas shall, except in case of accident, be supplied at such pressure as

30 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.

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(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-40 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

45 in accordance with the regulations published in pursuance of this Act. 9.

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

- 5 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 above-prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds.
- 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.

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Saving as to penalties.

11. No penalty shall be incurred by a gas company for defect Saving as to of illuminating power, excess of impurity in the gas supplied by such penalties. 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 20 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 examiners.

12. The Governor may appoint competent and impartial Appointment of gas examiners, and 25 persons to be gas examiners.

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.

:0 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 Report of testing. 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.

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

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

testing by them.

Gas.

Standard rate of dividend.

15. Except as by this Act provided, the profits of any gas Standard rate of company to be divided among the holders of its share capital or dividend. stock in any year shall not exceed the following rate (which is in this 5 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 10 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, Special purposes in any year appropriate out of the revenue of the company, as part of fund. 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 20 fund."

(2) The special purposes fund shall be applicable only Application of the to meet such charges as are certified to by a chartered accountant or fund. 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 Maximum amount of special purposes fund shall not at any time exceed an amount equal fund.

to one-tenth part of the paid-up capital of the company exclusive of 35 premiums.

(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
40 applicable, or may be used partly in one way or partly in the other.

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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 5 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.
- When the amount at credit of the reserve fund equals or exceeds 15 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 20 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 amongst the shareholders do not amount to the standard rate, such a dividends out of sum may be taken from the reserve fund as with the actual divisible

35 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.

19. If the clear profits of the company in any year amount to Divisible profits 40 a larger sum than is sufficient to pay the authorised dividend on the account. 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.

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Distribution of profits.

20. 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. 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.

Sliding scale.

- 15 **21.** Notwithstanding anything contained in any Act or any Standard price o memorandum or articles of association, the standard price to be charged ^{gas.} by a gas company for gas supplied by it to private consumers by meter ^{Schedule One.} shall be at the rate set out in Schedule One hereto:
- Provided that the company shall reduce the price so charged 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:—

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 peany 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 Issue of additional memorandum, or article of association relating to a gas company, the shares.
40 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)

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	Gas.
(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 Sale
(c)	one or more daily newspapers published in Sydney. 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.
(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
(g)	acceptance of the tender, as the case may be. 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.

h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.

(i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the 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)

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Gas.

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

Accounts and audit.

 $\mathbf{5}$ 23. Every gas company shall cause to be filled up and Annual statement forwarded to the Minister, on or before the thirty-first day of March of accounts. 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.

If any such company makes default in complying with the 15 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, Examination and shall, and the Minister may on his own initiative, or at the request of audit of accounts. not less than twelve users of the gas of any gas company, cause the

- 20 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.
- (2) If any person obstructs the Auditor-General, or any 25 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 Power of Governor been proved to his satisfaction that a gas company has ceased to supply to carry on on has supported the supply of the provide the supply the temporarily the 40 or has suspended the supply of gas, it shall be lawful for the Governor, business of a gas by his officers and servants, to take possession temporarily of the land ^{company}. 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. The

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 Amendment of 15 added to, or a new Schedule in lieu thereof may be framed by the Schedules. 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 Regulations. 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.
- 28. Any penalties under this Act, or the regulations Penalties. 25 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 Cost of pipes to be by the owner or occupier of any premises situate within twenty-five defrayed by Gas Company and owner yards from any main of such company, give and continue to give a of premises.

- 30 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 Thirty days' notice 35 supply of gas shall serve a notice upon the Gas Company at the office, to be given when requiring supply of specifying the premises in respect of which such supply is required, gas. 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.

Gas Companies to which this Act applies.

	Company.			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,	Lim	ited		3	3	

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SCHEDULE TWO.

Standard of purity.

Such gas shall contain— No hydrogen sulphide. 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.

SCHEDULE

Standard prive of 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, cr 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.

Sydney: William Applegate Gullick, Government Printer.-1912.