

GAS (STANDARDS).

11° and 12° GEO. VI., No. LXXXV.

No. 75 of 1947.

AN ACT to amend the Law with respect to the supply of Gas.

[Assented to 13th January, 1948.]

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

1. (1) This Act may be cited as the *Gas (Standards) Act, 1947*. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

PRELIMINARY.

2. In this Act unless inconsistent with the context or subject matter— Interpretation. cf. Vic. 4142, s. 2.

“British thermal unit” means the quantity of heat required to raise one pound of water one degree Fahrenheit;

- “calorific value” of gas means the number of British thermal units (gross) produced by the combustion of one cubic foot of the gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and (unless otherwise provided in the case of any undertaking or portion thereof by regulations made by the Governor on application to the Commission by the undertaker concerned) saturated with water vapour;
- “Commission” means the State Electricity Commission of Western Australia for the time being constituted under the State Electricity Commission Act, 1945;
- “consumer” means a person receiving or a person entitled in accordance with the provisions of any Act to receive a supply of gas from an undertaker to which this Act applies;
- “declared standard of the undertaker” means the standard of calorific value of the gas to be supplied by the undertaker pursuant to this Act;
- “Minister” means the Minister for the time being administering the State Electricity Commission Act, 1945;
- “local authority” means a municipal council or a road board;
- “prescribed” means prescribed by or under this Act or the regulations or by or under any Order in Council under this Act;
- “Schedule” means schedule to this Act;
- “undertaker” means any local authority, corporation, company, firm or person making or supplying gas for lighting, heating, motive power or other purposes and disposing of the same for profit.

Administra-
tion.

3. Subject to the Minister, this Act shall be administered by the Commission.

APPLICATION OF ACT.

Application
of Act.
Ibid, s. 3.

4. (1) The undertakers to which this Act applies are, subject to subsection (3) of this section, those undertakers which in the twelve months before the thirtieth day of June next preceding the coming into operation of this Act have sold gas, and every undertaker which sells gas after the coming into operation of this Act.

(2) For the purposes of this section, every local authority, corporation, company, firm or person making or supplying gas for lighting, heating, motive power or other purposes and disposing of the same for profit shall, on or before the thirty-first day of August in each year, forward to the Minister a statement in respect of each and every portion of the undertaking of such local authority, corporation, company, firm or person showing the amount of gas so disposed of during the twelve months ended the thirtieth day of June then next preceding.

Statements showing gas disposed of to be forwarded annually to Minister.

(3) The Minister may, by notice published in the *Gazette*, and upon and subject to such terms and conditions as the Minister may stipulate in the notice, declare that the provisions of this Act, other than subsection (2) of this section, shall not apply to any undertaker which, in any period of twelve months expiring on the thirtieth day of June in any one year, shall have sold less than a quantity of gas, not being more than twenty-five million cubic feet of gas, which the Minister shall specify in such notice; and the Minister may, by any subsequent notice published as aforesaid at any time and from time to time revoke or vary any previous notice under this subsection.

Minister may declare that provisions of this Act shall not apply to certain undertakers.

5. (1) Any provisions of this Act with respect to the calorific value of gas or the testing of the calorific value of gas shall have effect in lieu of any provisions relating to the calorific value or illuminating power of gas, on the testing of the calorific value of gas, whether to the same effect or inconsistent therewith, in any other Act relating to any undertaker, and any such other Act shall so far as applicable and with all necessary adaptations be read and construed accordingly.

Act to supersede provisions in other Acts as to calorific value or testing thereof.
Ibid, s. 4.

(2) Any provisions of this Act with respect to the purity, quality, composition or pressure of gas or the testing of gas or with respect to any other matter for which provision is made in this Act shall have effect in lieu of any provisions whether to the same effect or inconsistent therewith in any other Act relating to any undertaker, and any such other Act shall so far as applicable and with all necessary adaptations be read and construed accordingly.

Act to supersede provisions in other Acts as to purity, quality, composition or pressure of gas.

TESTING OF GAS.

Duty of
Commission
to test gas.
Ibid, s. 11.

6. (1) The Commission shall test, in accordance with this Act, the gas supplied by any undertaker and the pressure at which the gas is supplied and the purity thereof.

Appointment
of officers.

(2) The Commission may appoint such officers as are necessary for the proper discharge of its duties.

Payment to
Commission.
Ibid, s. 12.

7. (1) Every undertaker shall pay to the Commission annually such sum as the Governor by Order in Council published in the *Gazette* prescribes, and the sum payable by the several undertakers shall be calculated at the rate of not more than one farthing for every two thousand cubic feet of gas sold by them respectively during the period of twelve months ending on the thirtieth day of June next preceding the date on which the Order in Council comes into operation.

Application
of moneys
received.

(2) All such sums shall be applied in or towards paying the remuneration of the Commission and its officers and defraying all other costs and expenses properly incurred in carrying this Act into execution.

Accounts.

(3) The Commission shall cause proper accounts to be kept of all moneys received or paid by it; and the accounts shall be audited by the Auditor General.

Power of
Commission
to inspect
works, etc.
Ibid, s. 13.

8. (1) Subject to subsection (2) of this section, an officer authorised in writing under the hand of the Chairman of the Commission may, at any time when it appears to him necessary for the proper execution of his duties, enter upon and inspect any of the works within the operation of this Act of any undertaker; and the undertaker shall afford him and his assistants full facilities for this purpose, and shall furnish the officer with such information with regard to the position of the mains and pipes of the undertaker, and with regard to any other matter as the officer reasonably requires.

cf. No. 19 of
1945, s. 27.

(2) Notwithstanding anything to the contrary in this Act, an officer shall not be entitled to inspect gas works, gas testing places or gas distribution works of any undertaker unless he has the qualifications and holds a special certificate in relation thereto as prescribed by the regulations.

STANDARDS OF HEATING POWER, PURITY AND PRESSURE.

9. (1) Every undertaker shall, within fourteen days of being or becoming an undertaker to which this Act applies, declare in manner and form prescribed the standard of calorific value of the gas to be supplied by such undertaker, such standard, except with the approval in writing of the Minister, not being less than four hundred and seventy-five British thermal units gross nor more than five hundred and fifty British thermal units gross. On its receipt of any such declaration, the Commission shall cause notice thereof to be published in the *Gazette* and in a newspaper, whereupon the standard so declared by the undertaker shall, for the purposes of this Act, become and be deemed to be the declared standard of the undertaker making the declaration aforesaid.

Heating power. cf. *Ibid* First Schedule, and N.S.W. No. 42 of 1935, s. 23.

(2) The Minister may, upon application by an undertaker and after report by the Commission, approve of any alteration of the declared standard of the undertaker. The Commission shall cause notice of such approval and of the alteration to be published in the *Gazette* and a newspaper, and, as from the date of such publication, the declared standard of the undertaker shall, for the purposes of this Act, be as so altered and published.

10. Gas supplied by an undertaker shall not show any trace of sulphuretted hydrogen.

Purity. cf. N.S.W. No. 42 of 1935, s. 23.

11. An undertaker shall supply gas at such a pressure as will balance a column of water not less than an inch and one-half in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure. *Ibid*.

12. Any test of the calorific value, purity or pressure of gas shall be made in accordance with the provisions of the Schedule.

Testing. *Ibid*. The Schedule.

TESTING PLACES AND APPARATUS.

13. Every undertaker shall provide and maintain to the satisfaction of the Commission suitable testing places and apparatus as may be agreed between the undertaker

Undertakers to provide and maintain places and apparatus. Vic. No. 4142, s. 17.

and the Commission or as prescribed, and the undertaker shall give the Commission and its officers access to any testing place for the proper execution of their duty.

Making of tests, etc.
Ibid. s. 18.

14. (1) A representative of the undertaker may be present on any occasion on which the Commission or any of its officers inspects or alters, adjusts or replaces the testing apparatus or tests the gas, and shall, whenever possible, be afforded an opportunity to check any reading or test, but shall not interfere with the inspection, alteration, adjustment or replacement, or test.

(2) For the purposes of this section the Commission shall, in cases where the testing place or other prescribed place is situate elsewhere than on the works of the undertaker, give to the undertaker not more than two hours' notice of the time at which the Commission's officer will attend at such place.

Report of the test.

15. An officer of the Commission after testing the calorific value, purity or pressure of the gas supplied by an undertaker shall make and deliver to the Commission and to the undertaker concerned, with as little delay as possible, a report of the results of every such test and such report shall be receivable in evidence.

PENALTIES.

Defect in heating power.
cf. N.S.W. 42 of 1935, s. 24.

16. (1) Where at any time the gas tested at any testing place of an undertaker is of less calorific value than the declared standard of the undertaker or more than five hundred and fifty British thermal units gross, the undertaker supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds if the deficiency or excess exceed two per centum but be not more than five per centum, and not less than twenty-five pounds nor more than one hundred pounds if the deficiency or excess exceed five per centum.

The average of the testings made at a testing place on any two consecutive days shall be deemed to represent the calorific value of the gas tested on the first of such days at such testing place. One penalty only shall be incurred by an undertaker in respect of any defect of calorific value on any one day.

Where the quarterly average calorific value of the gas supplied by an undertaker is less than the declared calorific value the undertaker supplying such gas shall be liable, upon summary conviction, to a penalty not exceeding two hundred pounds.

(2) Where at any time the gas tested at any testing place is of less purity than that prescribed, the undertaker supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds. One penalty only shall be incurred by an undertaker in respect of defect or purity on any one day.

Defect in
purity.

(3) Where at any time the pressure of gas tested is less than that prescribed, the undertaker supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds. One penalty only shall be incurred by an undertaker in respect of defect of pressure on any one day.

Defect in
pressure.

(4) A penalty shall not be incurred by an undertaker under this section if it can be shown that the defect was due to circumstances beyond the control of the undertaker, or in the case of defect of pressure that such defect was due to the necessary and temporary opening or disturbing of the undertaker's mains.

Saving as
to penalty.

(5) A penalty under this section shall not be incurred prior to the thirty-first day of December, 1949, in respect of the works within the operation of this Act of either the Municipality of the City of Perth or the Company as so defined in the Fremantle Gas and Coke Company's Act, 1886-1940, unless the Minister shall, by notice published in the *Gazette*, certify that he is not satisfied with the measures taken by the said Company to maintain a supply of gas at proper standards.

Saving as
to certain
undertakers.

(6) If any undertaker fails, neglects or refuses—

- (a) to comply with any of the provisions of this Act or of any Order in Council or regulation under this Act; or
- (b) to provide or maintain any prescribed testing place, apparatus or materials or other matter or thing; or
- (c) to afford to the Commission or any of its officers access to any testing place or works in accordance with the requirements of this Act; or

General.
Vic. 4142,
s. 27.

(d) to afford or furnish any facilities or information in accordance with the requirements of this Act,

such undertaker shall (if no other penalty is expressly imposed under this Act) be liable to a penalty of not more than twenty-five pounds and in the case of a continuing offence at the discretion of the Court to a further penalty of twenty-five pounds for each day during which the offence continues after conviction or order of any Court.

Regulations.

17. (1) The Governor may make regulations which may be necessary or convenient for carrying this Act into operation, or for facilitating the operation or administration of this Act or of the Commission thereunder.

(2) Such regulations may prescribe a penalty not exceeding fifty pounds for the breach or omission of any duty imposed by such regulations.

SCHEDULE.

Apparatus for Testing Gas.

(1) As to calorific value:—

The apparatus for testing the calorific value of gas shall be the Boys Calorimeter, Fairweather Total Heat Recording Calorimeter, or such other recording calorimeter or other apparatus for determining the calorific value as shall be approved by the Commission.

Section 12.

When the calorimeter prescribed is so designed as to most conveniently register the calorific value in calories, the result shall be converted to British thermal units by multiplying the number of calories by 3.968.

A calorie shall be understood to be the amount of heat required to raise one kilogramme of water at 15.5 degrees centigrade one degree of the centigrade thermometer.

In order to test the gas for calorific value when a flow calorimeter is used, the gas shall first pass through an efficient meter and governor.

Where a recording calorimeter is used it shall be standardised by the Commission upon its installation against a flow or portable calorimeter of a type agreed upon between the undertaker concerned and the Commission.

(2) As to purity:—

The apparatus for testing the presence in gas of sulphuretted hydrogen shall consist of 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.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of the acetate of lead for a period of at least three minutes, and if any discoloration of the test paper is found to have taken place this shall be held conclusive evidence of the presence of sulphuretted hydrogen in the gas.

(3) Method of testing pressure:—

A self-registering pressure gauge shall at a point within two feet of the building line of any premises be connected to the inlet service pipe by a flexible or other suitable pipe which shall be gas-tight.

A gas undertaker offending against the provisions of this section shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty pounds, and to a penalty not exceeding five pounds for every day during which the offence continues.