

## GAS STANDARDS.

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No. 15 of 1972.

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AN ACT to regulate the standards of quality, pressure, purity and safety of gas supplied to consumers and the standards and safety of undertakers' and consumers' installations; to repeal the Gas (Standards) Act, 1947-1956, and for incidental and other purposes.

[Assented to 26th May, 1972.]

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

1. This Act may be cited as the *Gas Standards Act, 1972*. Short title.

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

Repeal.

3. The Gas Standards Act, 1947-1956 is repealed.

Interpretation.

4. In this Act unless the contrary intention appears—

“Commission” means the State Electricity Commission of Western Australia constituted under the State Electricity Commission Act, 1945;

“consumer” means any person (not being an undertaker) to whom gas is supplied by an undertaker or a pipeline licensee;

“consumer’s installation”, in relation to a consumer, means—

(a) the piping system through which gas is transmitted after it has passed through the meter fitted at the point of supply to the consumer; and

(b) any fitting or appliance fitted or connected to that piping system;

“council” has the meaning ascribed thereto by section 6 of the Local Government Act, 1960, and includes a county council and a regional council within the meaning of that Act and a commissioner of a municipality appointed under that Act;

“gas” means any gas or mixture of gases intended for use as fuel which is supplied to consumers through a piping system;

“inspector” means a person appointed under section 12;

“Minister” means the Minister for the time being administering the State Electricity Commission Act, 1945;

“pipeline licensee” means the holder of a pipeline licence granted under the Petroleum Pipelines Act, 1969;

“section” means section of this Act;

“supply”, in relation to gas, includes to have in possession with intent to supply any consumer or consumers, and to cause or permit gas to be passed into or transmitted through any pipeline with intent to supply, or in the course of supplying, the gas to any consumer or consumers;

“undertaker” means the Commission and any council, body corporate, firm or person making or supplying gas other than solely for its or his own use.

5. (1) Nothing in this Act applies to or in relation to— Exemptions.

- (a) the manufacture or supply of liquid petroleum gas as defined by section 4 of the Liquid Petroleum Gas Act, 1956 where the liquid petroleum gas is not supplied by means of a reticulation system generally serving consumers in the same locality;
- (b) the acts of transmitting gas through a pipeline where and to the extent that those acts are performed by a pipeline licensee under the authority of the pipeline licence granted to him; or
- (c) the acts of gathering gas through a pipeline within the land comprised in an exploration permit or a production licence granted under the Petroleum Act, 1967, where and to the extent that those acts are performed under the authority of that exploration permit or production licence.

(2) The provisions of sections 8, 9, 10 and 11 do not apply to or in relation to gas supplied directly by a pipeline licensee to a consumer for industrial purposes in any case where the gas is not supplied by means of a reticulation system generally serving consumers in the same locality.

(3) The Governor may from time to time, by proclamation, declare that all or any of the provisions of this Act do not apply to or in relation to the manufacture or supply of any gas which is not ordinarily used as a fuel by consumers generally and which is specified in the proclamation.

(4) A proclamation made under subsection (3) of this section may—

- (a) be expressed to apply generally to the manufacture or supply of the gas or gases therein specified; or
- (b) be expressed to apply only to the manufacture or the supply of the gas in specified areas or when the gas is to be used for specified purposes.

(5) A proclamation made under subsection (3) of this section may be varied or revoked by a subsequent proclamation.

Administra-  
tion.

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

Act to  
supersede  
provisions  
in other Acts  
as to  
calorific  
value or  
testing  
thereof,  
purity, etc.  
"this Act"  
Cf. Act No.  
30 of 1918,  
s. 4.

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

"this Act"  
Cf. Act No. 30  
of 1918, 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 or applying to any undertaker, and any such other Act shall, so far as applicable and with all necessary adaptations, be read and construed accordingly.

Heating  
standard of  
gas to be  
approved.

8. (1) Subject to the provisions of subsection (5) of this section, an undertaker shall not, after the coming into operation of this Act, distribute gas unless he has first obtained the written approval of the Minister of the minimum standard of heating value of the gas to be distributed by that undertaker.

Penalty: Five hundred dollars.

(2) Subject to section 9, the Minister may upon application by an undertaker approve any alteration of the minimum standard of heating value of gas previously approved or deemed to have been approved pursuant to subsection (1) of this section.

(3) The Minister may approve different minimum standards of heating value of the gas in respect of one or more areas in which an undertaker distributes gas.

(4) Any approval given by the Minister pursuant to this section may be given subject to such conditions as the Minister determines, and notice of any approval so given shall be published in the *Government Gazette*.

(5) Where on the day immediately preceding the date of the coming into operation of this Act, an undertaker was supplying gas, the declared standard under the Gas Standards Act, 1947-1956, of the undertaker on that day shall be deemed to be the minimum standard of heating value approved for that undertaker under subsection (1) of this section, until that standard is altered in accordance with subsection (2) of this section.

(6) An undertaker who has been directed under section 10 to keep a continuous record of the heating value of gas supplied by him, shall not supply gas of which the average heating value, measured in accordance with subsection (7) of this section over any continuous period of twenty-eight days, is less by more than one per centum than the minimum standard of heating value for the time being approved under this section in respect of the gas.

Penalty: For a first offence, four hundred dollars and for a second or subsequent offence, one thousand dollars.

(7) For the purposes of subsection (6) of this section, the average heating value of gas supplied by an undertaker over any period of twenty-eight days shall be measured by obtaining the aggregate of the mean heating values of gas supplied in each period of one hour during that period of twenty-eight days, and dividing the aggregate so obtained by six hundred and seventy-two.

## (8) Where—

- (a) an undertaker has not been directed under section 10 to keep a continuous record of the heating value of gas supplied by him; and
- (b) the average heating value of gas supplied by that undertaker, as ascertained by the taking of three tests of that gas during any period of two hours, is less by more than one per centum than the minimum standard of heating value for the time being approved under this section in respect of that gas,

the undertaker is guilty of an offence.

Penalty: For a first offence, two hundred dollars and for a second or subsequent offence, five hundred dollars.

Undertaker  
to meet cost  
of conversion  
of appliances  
upon change  
in gas.

9. (1) An undertaker shall not cause or permit any alteration to be made in the specific gravity, flame speed or other prescribed characteristic of gas supplied by him unless he has first applied for, and obtained, the written approval of the Minister to the alteration.

## (2) Where the Minister—

- (a) has received from an undertaker an application under subsection (2) of section 8 or subsection (1) of this section for his approval to the alteration of the heating value or other characteristic of the gas supplied by the undertaker; and
- (b) is of opinion that if the alteration is effected, all or any of the consumers' installations to which the gas is supplied will require modification or replacement by reason of the alteration,

the Minister shall not approve of the alteration until he is satisfied that the undertaker has satisfactorily undertaken, at his own expense, the modification or replacement, as the case requires, of those consumers' installations.

10. (1) The Commission may at any time test gas supplied by an undertaker to determine its heating value, pressure, purity and odour and for such other purposes as in the opinion of the Commission are necessary or expedient for the proper administration and enforcement of this Act, and shall furnish the undertaker with the result of any test carried out under this subsection.

Testing of  
gas.

(2) The Commission may from time to time by notice in writing served on an undertaker, direct the undertaker to keep a continuous record of the heating value of all or any of the gas supplied by that undertaker, and the Commission may, for that purpose, from time to time require the undertaker to instal, operate and maintain such measuring and recording devices or apparatus as are specified in a notice in writing served by the Commission on the undertaker.

(3) The results of any tests carried out by the Commission under subsection (1) of this section and any records kept by an undertaker pursuant to subsection (2) of this section are admissible in evidence in any proceedings instituted under this Act, as evidence of the matters therein stated.

(4) An undertaker shall not knowingly—

- (a) fail to comply with any direction served on him pursuant to subsection (2) of this section;
- (b) cause or permit any false entry to be made in any record kept pursuant to subsection (2) of this section;
- (c) do, or cause or permit to be done, or fail to do, any act or thing with intent to cause any measuring or recording device or apparatus installed pursuant to subsection (2) of this section to incorrectly record the heating value of the gas supplied by that undertaker; or
- (d) fail to report forthwith to the Commission any fault occurring in or any breakdown or failure of any apparatus or device installed pursuant to subsection (2) of this section.

Penalty: Five hundred dollars.

## Defences.

11. In any proceedings instituted against an undertaker for an offence against subsection (6) or (8) of section 8, it is a defence for the undertaker to prove that—

- (a) the supplying of gas at less than the relevant approved minimum heating value which gave rise to the proceedings was caused by circumstances over which the undertaker had no control and could not reasonably have been expected to have exercised control; and
- (b) he notified the Commission forthwith upon his becoming aware of those circumstances.

## Inspection.

12. (1) The Commission may appoint persons to be inspectors for the purposes of this Act, and shall furnish to each person so appointed a certificate stating that that person is an inspector for the purposes of this Act.

(2) An inspector may at any time enter any premises, works or installations of any undertaker or consumer and may thereon conduct such tests, inspections and examinations and take such samples of gas, as are necessary for the purposes of ascertaining whether the provisions of this Act and the regulations are being complied with.

(3) Where in order to make a proper test, inspection or examination of any item of equipment forming part of an undertaker's works or installations it is necessary so to do, an inspector may remove and take away that item of equipment if the removal will not prevent the undertaker from continuing to supply gas.

(4) An undertaker shall afford any inspector such assistance as the inspector reasonably requires for the purpose of exercising his powers under subsection (2) or (3) of this section.

(5) A person shall not obstruct an inspector in the exercise of his powers under subsection (2) or (3) of this section.



(6) An inspector shall, when required so to do by any person whose premises, works or installations the inspector has entered or wishes to enter in the exercise of any of his powers under this Act, produce to that person his certificate of appointment issued under subsection (1) of this section.

13. (1) An undertaker or pipeline licensee shall not commence to supply gas to a consumer's installation unless that installation meets the prescribed requirements.

Consumers'  
installations.

(2) Where, after inspecting a consumer's installation an inspector is satisfied that the consumer's installation does not meet the prescribed requirements, the inspector may direct the consumer to modify, alter, repair or replace the installation, within such reasonable time as the inspector specifies, so that the installation will meet the prescribed requirements, and where the consumer fails to comply with the direction of the inspector, the inspector may, with the prior consent of the General Manager of the Commission or other officer authorized in that behalf by the Commission, disconnect the supply of gas to that installation until such time as his direction has been complied with.

(3) Notwithstanding the provisions of subsection (2) of this section, where an inspector is satisfied, after inspecting a consumer's installations, that it is necessary in the interests of safety to forthwith disconnect the supply of gas to that consumer, either wholly or to any particular installation or installations, the inspector may so disconnect the supply of gas until such time as he is satisfied that the consumer's installations meet the prescribed requirements.

(4) Where an inspector disconnects the supply of gas to a consumer under subsection (3) of this section, he shall as soon as possible thereafter, furnish to the General Manager of the Commission or other officer specified for the purpose by the Commission a written report setting out all the relevant circumstances in which he so acted.

(5) A person shall not obstruct an inspector in the exercise of his powers under subsection (2) or subsection (3) of this section.

## Offences.

14. Any person who contravenes or fails to comply with any provision of this Act or the regulations or of any notice, direction or other requirement made or given by or under this Act or the regulations commits an offence and is liable on conviction, except where a greater penalty is provided in this Act in respect of the offence, to a penalty of two hundred dollars.

## Regulations.

15. (1) The Governor may make regulations prescribing all matters necessary or convenient to be prescribed for the purposes of the administration of this Act.

(2) Without limiting the generality of subsection (1) of this section, regulations may be made—

- (a) generally as to the standards of gas to be supplied, and in particular authorizing the Minister to require undertakers to supply gas having such characteristics as to odour, pressure, specific gravity, flame speed, purity and other matters, as he specifies in each particular case;
- (b) requiring undertakers to furnish the Commission with particulars in writing of the quantities of gas supplied by them;
- (c) prescribing fees to be paid by undertakers for tests conducted by or on behalf of the Commission or the Minister for the purposes of this Act;
- (d) prescribing the standards of construction, installation, maintenance, operation and testing of pipelines and other equipment and installations used by undertakers for the supply of gas; and
- (e) prescribing the standards of construction, installation, maintenance, operation and testing of consumers' installations.

(3) Any regulation under this Act may be made so as to require a matter affected by it to be in accordance with a specified standard or specified requirement; or as approved by, or to the satisfaction of, a specified person or body; or so as to delegate to or confer upon a specified person or body a discretionary authority.