

LIQUID PETROLEUM GAS.

5° Elizabeth II., No. LVIII.

No. 58 of 1956.

AN ACT to Regulate the Standard, Sale, and Delivery of Liquid Petroleum Gas; and to amend certain Acts relating to Production and Distribution of Gas.

[Assented to 27th December, 1956.]

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 *Liquid Petroleum Gas Act, 1956.* Short title and citation.

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

Amendment
of related
Acts.
Schedule.

3. The Acts mentioned in the respective Parts of the Schedule to this Act are amended and may be cited as prescribed in that Schedule.

Interpreta-
tion.

4. In this Act unless the context requires otherwise—

“Commission” means the State Electricity Commission of Western Australia established by the State Electricity Commission Act, 1945;

“gas” means liquid petroleum gas;

“liquid petroleum gas” means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell;

“person” without affecting the meaning given to the expression, “person” by sections four and twenty-six of the Interpretation Act, 1918, includes association, firm, and body corporate;

“public notice” means a notice published in the *Gazette*;

“to sell” means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, “to sell” have correlative meanings;

“standard” used in relation to gas, means the standard declared for the time being by the Commission.

5. The Commission has, and shall carry out, the administration of this Act, subject to direction, if any, issued by the Minister to whom the administration of this Act is committed by the Governor.

Administra-
tion. Cf. NO.
30 of 1918, s.
4 as to
Minister.

6. (1) The Commission shall fix and by public notice declare, the standard for gas for sale in the State.

Commission
must fix
standard.

(2) In fixing the standard, the Commission may declare—

How standard
fixed.

- (a) as the minimum calorific value of gas, the minimum number of British thermal units (net) which one pound avoirdupois weight of gas must produce by combustion;
- (b) as the maximum calorific value of gas, the maximum number of British thermal units (net) which one pound avoirdupois weight of gas must produce by combustion;
- (c) that gas must not contain any impurities, or more impurities than the quantity specified in the notice;
- (d) that gas must not contain any substance, which, if the gas is used for lighting or heating purposes, is toxic, or harmful to human health or safety;
- (e) that the vapour pressure of gas must not exceed that specified in the notice;
- (f) that gas must not contain any mixture, or more than the quantity specified in the notice of, any mixture, of hydrocarbons, which cannot be liquified at the pressure referred to in paragraph (e) of this subsection;

(g) that gas must evaporate under conditions specified in the notice, to the extent specified in the notice;

(h) that gas must be of an odour which results from addition to the gas of such agent as the Commission, having regard to human health and safety, specifies in the notice;

and

(i) any other matter, whether of the same kind as, or a different kind from, any of the matters mentioned in paragraphs (a) to (h) inclusive of this subsection, as the Commission considers necessary or desirable to ensure, as safe, efficient, and satisfactory a supply of gas to consumers as is practicable.

Power to alter standard.

(3) The Commission may by subsequent public notice, from time to time, alter the standard of gas.

(4) The selling of gas which is not, at the time of the sale, of the standard as fixed by the Commission is an offence, which is punishable notwithstanding any alteration made by the Commission to the standard after the commission of the offence and notwithstanding section eleven of the Criminal Code.

Penalty: Fifty pounds.

Testing of gas.

7. (1) The Commission may cause gas to be tested in such manner and by such person, with such powers of entry and inspection, and with such protection from hindrance, obstruction, abuse, and assault, as the regulations prescribe.

(2) For the purposes of carrying out the administration of this Act, the Commission may appoint such persons at such remuneration, and on such conditions of service, as the Commission thinks fit.

(3) The Commission shall pay the expense of the administration of this Act from the funds of the Commission.

(4) Where the Commission causes gas to be tested, the person having the gas for sale shall pay to the Commission such fee and such expenses as the regulations prescribe.

Penalty: Fifty pounds.

(5) Where any fee is, or any expenses are, due to the Commission under this section and unpaid, the Commission may recover the amount of the fee or expenses or both either in a court of competent jurisdiction as a debt due to the Commission, or under subsection (6) of this section.

(6) Where a court convicts an offender under subsection (4) of this section, the court may, on application being made on behalf of the Commission order the amount of the fee or expenses or both to be paid by the offender to the Commission, and if the amount is not paid, it is recoverable in the same manner as a penalty.

8. The Governor may make such regulations as Regulations. he considers necessary or desirable for giving effect to the objects, or furthering the purposes, of this Act, and without prejudice to the generality of the power conferred by this section may by regulations so made impose a penalty not exceeding fifty pounds for breach of a regulation so made.

S. 3

SCHEDULE.

PART I.

GAS (STANDARDS) ACT, 1947.

1. (1) In this Part the Gas (Standards) Act, 1947, Citation.
Act No. 75 of 1947,

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Gas (Standards) Act, 1947-1956.

s. 2 am.

2. Section two of the principal Act is amended—

- (a) by adding before the interpretation, “Minister”, the following interpretation—

“liquid petroleum gas” means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell;

- (b) by adding before the interpretation, “undertaker”, the following interpretation—

“to sell” means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, “to sell” have correlative meanings; and

- (c) by adding after the word, “means” in line one of the interpretation, “undertaker”, the passage, “, subject to subsection (4) of section four of this Act,”.

s. 4 am.

3. Section four of the principal Act is amended—

- (a) by adding before the word, “of” in line two of subsection (1), the passage, “, and to subsection (4),”; and

- (b) by adding after subsection (3), the following subsection—

(4) (a) Where a local authority, corporation, firm, company or person makes or supplies, and disposes of, both liquid petroleum gas and other gas for any purpose mentioned or referred to in the interpretation, “undertaker” in section two of this Act, for or with a view to profit, this Act applies to the local authority, corporation, firm, company, or person, as the maker or supplier and disposer of the other gas, but not as the maker or supplier and disposer of liquid petroleum gas.

(b) Where liquid petroleum gas is the only gas so made or supplied and disposed of for any of those purposes by a local authority, corporation, firm, company, or person, this Act does not apply to the local authority, corporation, firm, company, or person, as the maker or supplier and disposer of the liquid petroleum gas.

PART II.

GAS UNDERTAKINGS ACT, 1947-1951.

1. (1) In this Part the Gas Undertakings Act, 1947-1951, Act No. 68 of 1947 as amended by Acts Nos. 28 of 1950 and 16 of 1951, Citation.

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Gas Undertakings Act, 1947-1956.

2. Section two of the principal Act is amended— S. 2 am.

(a) by adding after the word, "means" in line one of the interpretation, "gas undertaker" the passage, ", subject to section two A of this Act,";

(b) by adding before the interpretation, "local authority", the following interpretation—

"liquid petroleum gas" means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell; and

(c) by adding after the interpretation, "gas unit", the following interpretation—

"to sell" means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, "to sell" have correlative meanings.

3. The principal Act is amended by adding before S. 2A added.
section three the following section:—

2A. (1) Where a company, firm, person, or corporation other than a local authority, supplies or distributes and disposes of both liquid petroleum gas and other gas for any purpose mentioned or referred to in the interpretation, "gas undertaker" in section two of this Act, with a view to profit, this Act applies to the company, firm, person, or corporation, as the supplier or distributor and disposer of the other gas, but not as the supplier or distributor and disposer of the liquid petroleum gas.

(2) Where liquid petroleum gas is the only gas so supplied or distributed and disposed of for any of those purposes, by a company, firm, person, or corporation, whether a local authority or not, this Act does not apply to the company, firm, person, or corporation, as the supplier, distributor, or disposer of liquid petroleum gas.

PART III.

STATE ELECTRICITY COMMISSION ACT, 1945-1955.

Citation.

1. (1) In this Part the State Electricity Commission Act, 1945-1955,

Approved for
reprint, 19th
June, 1956.

Act No. 60 of 1945 as reprinted with amendments to and including Act No. 41 of 1955 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938,

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the State Electricity Commission Act, 1945-1956.

S. 7 am.

2. Section seven of the principal Act is amended by adding before the interpretation, "Local Authority", the following interpretation—

"liquid petroleum gas" means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell.

Ss. 22A and
22B added.

3. The principal Act is amended by adding after section twenty-two the following sections:—

22A. In addition and without prejudice to the generality of the provisions of section twenty-two of this Act, or of any other provision of this Act, or of any provision of any other Act, conferring on the Commission power to make contracts, the Commission has and may exercise power, subject to paragraph (d) of that section, to make contracts on such terms and conditions as the Commission thinks fit with any maker or supplier or distributor of liquid petroleum gas, for the Commission to acquire liquid petroleum gas from the maker, supplier, or distributor for sale or for distribution or for both by the Commission, whether as sole seller or distributor or otherwise, throughout the whole of the State, or in any part or parts of the

State, except the area in which The Fremantle Gas and Coke Company Limited is authorised from time to time under section three of The Fremantle Gas and Coke Company's Act, 1886-1956 to carry on the undertaking of the supply of gas, but subject to the Liquid Petroleum Gas Act, 1956.

22B. (1) In this section—

“area” means the area in which the Commission is from time to time authorised by the City of Perth Electricity and Gas Purchase Act, 1948 and this Act to carry on the undertaking of the supply of gas, formerly carried on by its predecessors, The Perth Gas Company under The Perth Gas Company's Act, 1886, and the Council of the City of Perth under The Perth Municipal Gas and Electric Lighting Act, 1911 within the limits mentioned in section three of The Perth Gas Company's Act, 1886 as further extended from time to time, whether before or after the coming into operation of this section, under section two of the Perth Gas Company's Act Amendment Act, 1937; and

Cf. No. 33 of 1948.

Cf. 50 Vict. No. 33.

Cf. No. 2 of 1911.

Cf. 50 Vict. No. 33, s. 3, and No. 2 of 1911, s. 3, and No. 23 of 1937, s. 2 (a) as to limits and extension.

Cf. No. 23 of 1937, s. 2 (a).

“to sell” means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, “to sell” have correlative meanings.

(2) (a) After the coming into operation of the Liquid Petroleum Gas Act, 1956, a company, corporation, firm, or person, other than the Commission, shall not sell or deliver liquid petroleum gas within the area, except with written permission granted or renewed under paragraph (b) of this subsection, and then only subject to the provisions of the Liquid Petroleum Gas Act, 1956, and to such conditions, if any, as are imposed under paragraph (c) of this subsection, or except where paragraph (d) of this subsection authorises the sale or delivery.

Penalty: One hundred pounds.

(b) On application being made to the Minister, the Minister may grant the permission for any period not exceeding three years, and may from time to time grant renewals of the permission but so that no one period of renewal of the permission exceeds three years.

(c) The Minister may grant the permission or any renewal of the permission subject to the observance by the holder of the permission of such conditions as the Minister imposes and is hereby empowered to impose, including without affecting the generality of the power, conditions

- (i) that the holder of the permission shall sell or deliver liquid petroleum gas only in such part or parts of the area, or to such person or persons, or class or classes of person, or for use only in the operation of such appliance or appliances, or class or classes of appliance, as is or are specified in the permission;
- (ii) that the Minister may alter any condition so imposed on giving written notice of the alteration to the holder of the permission; and
- (iii) that on breach of any conditions so imposed, the Minister may cancel the permission.

(d) Where,

because of a prohibition effective under paragraph (a) of this subsection,

a company, corporation, firm or person, would,

but for this paragraph,

be deprived of liquid petroleum gas for use to operate an appliance,

which, prior to the prohibition becoming effective in any part of the State comprised in the area or any extension of the area, was operated by the use of liquid petroleum gas in that part of the State,

then liquid petroleum gas may be sold and delivered for use to operate the appliance without contravention of paragraph (a) of this subsection.

(3) A purchaser who, having purchased liquid petroleum gas outside the area, uses the gas within the area except where permitted to do so pursuant to paragraph (d) of subsection (2) of this section, commits an offence.

Penalty: One hundred pounds.

PART IV.

THE FREMANTLE GAS AND COKE COMPANY'S

ACT, 1886-1952.

1. (1) In this Part The Fremantle Gas and Coke Citation
Company's Act, 1886-1952,

Act No. 50 Vict. No. 34 as amended by Private Act No. 57 Vict., 1893, and Acts Nos. 15 of 1938, 17 of 1940, 77 of 1947, 30 of 1950, and 42 of 1952, and as affected by Act No. 26 of 1932,

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as The Fremantle Gas and Coke Company's Act, 1886-1956.

2. The principal Act is amended by adding after section S. 60 added.
fifty-nine of the principal Act the following section:—

60. (1) In this section—

“area” means the area in which the Company is from time to time authorised to carry on the undertaking of the supply of gas within the limits mentioned in section three of this Act as further extended from time to time under this Act whether before or after the coming into operation of this section;

Cf. No. 15 of 1938, s 2 as to extension of limits.

“liquid petroleum gas” means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell; and

“to sell” means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, “to sell” have correlative meanings.

(2) In addition and without prejudice to any power conferred on the Company to make contracts, the Company has and may exercise power to make contracts, on such terms and conditions as the Company thinks fit, with any maker, or supplier, or distributor, of liquid petroleum gas for the Company to acquire liquid petroleum gas from the maker, supplier, or distributor, for sale or for distribution or for both by the Company, whether as sole seller or distributor or both or otherwise, in the area, but subject to the provisions of the Liquid Petroleum Gas Act, 1956.

(3) (a) After the coming into operation of the Liquid Petroleum Gas Act, 1956, a company, corporation, firm, or person, other than the Company, shall not sell or deliver liquid petroleum gas within the area, except with written permission granted or renewed under paragraph (b) of this subsection and then only subject to the provisions of the Liquid Petroleum Gas Act, 1956, and to such conditions, if any, as are imposed under paragraph (c) of this subsection, or except where paragraph (d) of this subsection authorises the sale or delivery.

Penalty: One hundred pounds.

(b) On application being made to the Minister, the Minister may grant the permission for any period not exceeding three years, and may from time to time grant renewals of the permission but so that no one period of renewal of the permission exceeds three years.

(c) The Minister may grant the permission or any renewal of the permission subject to the observance by the holder of the permission of such conditions as the Minister imposes and is hereby empowered to impose, including without affecting the generality of the power, conditions

- (i) that the holder of the permission shall sell or deliver liquid petroleum gas only in such part or parts of the area, to to such person or persons, or class or classes of person, or for use only in the operation of such appliance or appliances, or class or classes of appliance, as is or are specified in the permission;
- (ii) that the Minister may alter any condition so imposed on giving written notice of the alteration to the holder of the permission; and

(iii) that on breach of any condition so imposed, the Minister may cancel the permission.

(d) Where,

because of a prohibition effective under paragraph (a) of this subsection,

a company, corporation, firm, or person, would,

but for this paragraph,

be deprived of liquid petroleum gas for use to operate an appliance,

which, prior to the prohibition becoming effective in any part of the State comprised in the area or any extension of the area, was operated by the use of liquid petroleum gas in that part of the State,

then liquid petroleum gas may be sold and delivered for use to operate the appliance without contravention of paragraph (a) of this subsection.

(4) A purchaser who, having purchased liquid petroleum gas outside the area, uses the gas within the area except where permitted to do so pursuant to paragraph (d) of subsection (3) of this section, commits an offence.

Penalty: One hundred pounds.

(5) Proceedings in respect of an offence against this section may be commenced within six months after the offence is alleged to have been committed. Cf. s. 58 ante.
