

## **GAS AND ELECTRICITY (AMENDMENT) ACT.**

**Act No. 23, 1952.**

An Act to make further provision in relation to the prices of gas; for this purpose to amend the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 13th October, 1952.]

Elizabeth II.,  
No. 23, 1952.

**B**E it enacted by the Queen'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:—

**1.** (1) This Act may be cited as the "Gas and Electricity (Amendment) Act, 1952."

Short title  
and  
citation.

(2) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Gas and Electricity Act, 1935-1952.

**2.**

**Gas and Electricity (Amendment) Act.**

**No. 23, 1952.** 2. The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
42, 1935.

Sec. 3.  
(Defini-  
tions.)

- (a) by omitting from section three the definition of “Standard price” and by inserting in lieu thereof the following definition:—

“Standard price” or “standard prices” means, in relation to gas supplied—

- (a) by a company included in Schedule One;

- (b) on and after the date on which an order under section twelve of this Act applicable to that company takes effect and before the date on which the next such order takes effect,

the price or prices notified in the first-mentioned order.

Sec. 6.  
(Schedule  
One.)

- (b) by omitting from subsection two of section six the word “four” and by inserting in lieu thereof the word “three”;

Subst.  
sec. 12.  
(Standard  
price.)

- (c) by omitting section twelve and by inserting in lieu thereof the following section:—

Standard  
prices.

12. (1) A gas company shall not charge for gas supplied by meter a price or prices exceeding the appropriate standard price or standard prices.

(2) (a) The Minister may, at the request in writing of a gas company, and may at any time of his own motion, constitute a board to inquire what price or prices of gas would, if charged by a company, and having regard to all its other revenue, enable that company to pay the standard rates of dividend after making provision for—

- (i) interest payable on loans;

- (ii) .

(ii) expenses under the prescribed headings <sup>No. 23, 1952.</sup>  
properly chargeable to revenue,  
including—

- (a) the maximum amount which may be transferred to the special purposes account in accordance with section seven of this Act;
- (b) the maximum amount which may be charged for depreciation in accordance with section eight of this Act; and
- (iii) a reasonable sum for contingencies which shall not exceed the amount necessary to pay one half-year's dividend at the standard rates.

The board shall determine and certify such price or prices to the Minister.

(b) A board constituted under paragraph (a) of this subsection may inquire whether the company should be permitted to make—

- (i) differential rates for gas supplied by the company;
- (ii) minimum or service charges for gas supplied by the company or in respect of stand-by services provided by the company.

In this paragraph "stand-by service" means a connection from the mains of the gas company to a meter on the premises of a consumer through which no gas has been supplied since the meter was last read.

(c) Without limiting the generality of paragraph (a) of this subsection the board may, in the exercise of its powers under that paragraph—

- (i) determine and certify such price or prices in respect of the rates referred to in subparagraph (i) of paragraph (b) of this subsection;

(ii)

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(ii) determine and certify the charges referred to in subparagraph (ii) of paragraph (b) of this subsection;

(iii) recommend a formula or formulas under which the standard price or standard prices may subsequently be ascertained according to any principles or conditions specified in the formula or formulas and the dates or intervals upon which the price or prices should be determined in accordance with the formula or formulas.

(3) Where the board has determined and certified such price or prices to the Minister, the Governor may, by order published in the Gazette—

(a) notify that the price or prices so certified by the board shall be the standard price or standard prices in respect of the company;

(b) authorise the company to make the charges so certified by the board.

(4) (a) Where the board has, in addition to determining and certifying such price or prices, recommended a formula or formulas under which the price or prices may subsequently be ascertained the Governor may, by order published in the Gazette, notify such formula or formulas and prescribe that the standard price or standard prices shall be determined from time to time in accordance with the formula or formulas at such dates or intervals as shall be specified in the order.

(b) Where an order has been published under this subsection the company shall upon the dates or at the intervals specified in the order compute the price or prices and submit a statement to the Auditor-General showing the price or prices so computed and the method of computation.

If

If the Auditor-General certifies that the price or prices are correctly computed the Minister shall, by order published in the Gazette, notify that the price or prices so certified by the Auditor-General shall be the standard price or standard prices in respect of the company. No. 23, 1952.

For the purposes of this paragraph, the Auditor-General or any officer of the Public Service appointed by him in that behalf shall have power to inspect the books and accounts of the company.

(5) A board constituted under subsection two of this section shall not, in the exercise of its functions under that subsection, take into account any of the following matters:—

- (a) revenue from the recovery and/or rectification of benzole;
- (b) interest on loans utilised for the purpose of installing, operating or maintaining plant for the recovery and/or rectification of benzole;
- (c) expenses incurred in the recovery and/or rectification of benzole;
- (d) contingencies associated with the recovery and/or rectification of benzole.

(6) The Minister may constitute a board to inquire or may require a board constituted under subsection two of this section to inquire whether the company should be permitted to require guarantees of a specified annual sum or a specified annual revenue as a condition of supplying gas to any district, area or person.

The board shall report to the Minister and the Minister may by writing authorise the company to require guarantees as recommended by the board.

(d) .

No. 23, 1952.

**Sec. 14.****(Inquiry as to standard price or prices.)**

- (d) (i) by omitting from subsection two of section fourteen the word "proclamation" and by inserting in lieu thereof the word "order";
- (ii) by omitting from the same subsection the words "with the price or prices recommended by the board set opposite the name of the company" and by inserting in lieu thereof the words "and may by the same or by a subsequent order notify that the price or prices recommended by the board shall be the standard price or standard prices in respect of the company";
- (iii) by omitting from subsections five and six of the same section the word "proclamation" wherever occurring and by inserting in lieu thereof the word "order";

**Sec. 15.****(Local authorities.)**

- (e) by omitting from subsection two of section fifteen the words "a proclamation" and by inserting in lieu thereof the words "an order";

**Sec. 16.****(Power to require guarantees etc.)**

- (f) (i) by omitting from section sixteen the words "The Minister may by writing authorise the company to require guarantees or to make minimum or service charges or differential rates as recommended by the board";
- (ii) by inserting at the end of the same section the following new subsections:—

(2) In the exercise of its powers under subsection one of this section the board may, in addition to certifying the rates and charges which in its opinion are proper, recommend a formula or formulas under which the rates and charges may subsequently be ascertained according to any principles or conditions specified in the formula or formulas and the dates or intervals upon which the rates and charges should be determined in accordance with the formula or formulas.

(3)

(3) (a) The Minister may by writing <sup>No. 23, 1952.</sup> authorise the company to require guarantees or to make minimum or service charges or differential rates as recommended by the board and may by writing, in any case where the board has recommended a formula or formulas under which such rates and charges may subsequently be ascertained, authorise the determination of such rates and charges from time to time in accordance with the formula or formulas upon such dates or at such intervals as are specified by him.

(b) Where the Minister has authorised the determination of such rates and charges the company may upon the dates or at the intervals specified compute the rates and charges and submit to the Chief Inspector of Local Government Accounts a statement showing the rates and charges so computed and the method of computation.

If the Chief Inspector of Local Government Accounts certifies that such rates and charges are correctly computed the company may make the minimum or service charges or differential rates so certified.

For the purposes of this paragraph, the Chief Inspector of Local Government Accounts shall have power to inspect the books and accounts of the company.

(4) This section shall not apply to a company included in Schedule One or to a local authority.

(g) by omitting Schedule One and by inserting in <sup>Schedule One.</sup> lieu thereof the following Schedule:—

SCHEDULE ONE.

The Australian Gas Light Company  
North Shore Gas Company Limited  
The City of Newcastle Gas and Coke Company (Limited)  
Broken Hill and Suburban Gas Company Limited.

**No. 23, 1952.****Saving.**

**3.** Notwithstanding the repeal by this Act of Schedule One to the Gas and Electricity Act, 1935-1949, the standard price or prices which immediately before the commencement of this Act were applicable to a company included in that Schedule shall be the standard price or prices applicable to that company under the Gas and Electricity Act, 1935-1952, until replaced by a standard price or standard prices applicable to that company notified in pursuance of section twelve of the Gas and Electricity Act, 1935-1952.

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