

# Gas and Fuel Corporation (Amendment) Bill

No.

## TABLE OF PROVISIONS

*Clause*

1. Purposes.
2. Commencement.
3. Principal Act.
4. Repeals.
5. Definitions.
6. New Parts V. and VI. inserted—

### **PART V.—GAS SUPPLY**

#### **Division 1—Responsibility for Gas Supply**

67. Corporation to transmit and supply gas by reticulation.
68. Approval of other suppliers.

#### **Division 2—Terms and Conditions of Supply**

69. Corporation to supply gas on demand.
70. Corporation not required to supply in certain circumstances.
71. Installations.
72. Tariffs and conditions of supply.
73. Gas quality.
74. Billing of consumers.
75. Notice by consumer before quitting premises.
76. Restrictions on disconnection for debt.

#### **Division 3—Meters**

77. Requirements for installation of meters.
78. Retention of meters after initial life of meter family.

#### **Division 4—Disputes in Relation to Meters and Billing**

79. Testing of meters.
80. Notice of defective meter.
81. Overcharging as a result of a defective meter.
82. Undercharging as a result of a defective meter.
83. Consumers billed at incorrect tariffs.
84. Appeals by domestic consumers.

#### **Division 5—Powers of Officers and Employees**

85. Identification.
86. Powers of entry.
87. Entering in emergency.
88. Power to disconnect supply.

#### **Division 6—Gas Supply Emergency Provisions**

89. Proclamation that Division applies.
90. Powers of Minister.
91. Compliance with directions etc. of Minister.
92. Delegation of powers and functions by Minister.
93. Offences.
94. Judicial notice.
95. Immunity from suit.

**Division 7—Offences and Legal Proceedings**

- 96. Offences relating to gas supply.
- 97. Offence to retain or use corporation property without permission.
- 98. Evidence of ownership.
- 99. Evidence of testing and sealing.
- 100. Service of notices.

**Division 8—Report to Minister**

- 101. Annual report on gas supply.

**Division 9—Saving of Contracts**

- 102. Contracts.

**PART VI.—REGULATIONS AND BY-LAWS**

- 103. Regulations.
- 104. By-laws of Corporation.
- 7. New section 26A inserted—
  - 26A. Bulk hot water.
- 8. Offence to hinder officer of Corporation.
- 9. New section 38B inserted—
  - 38B. Immunity in relation to approval of installation.
- 10. New section 40A inserted—
  - 40A. Offences by bodies corporate.
- 11. Consequential amendments to Principal Act.
- 12. Consequential amendments to other Acts.

# LEGISLATIVE ASSEMBLY

Read 1° 25 February 1987

*(Brought in by Mr Fordham and Mr Wilkes)*

## A BILL

to amend the *Gas and Fuel Corporation Act 1958* and to repeal the *Gas Act 1969*, the *Gas Franchises Act 1970* and the *Liquified Petroleum Gas Subsidy Act 1980* and for other purposes.

### **Gas and Fuel Corporation (Amendment) Act 1987**

The Parliament of Victoria enacts as follows:

#### **Purposes.**

1. The main purposes of this Act are—

- 5
- (a) to amend the *Gas and Fuel Corporation Act 1958* to insert new powers and obligations relating to the supply of gas; and
  - (b) to repeal the *Gas Act 1969*, the *Gas Franchises Act 1970* and the *Liquified Petroleum Gas Subsidy Act 1980*.

#### **Commencement.**

- 10
- 2. This Act comes into operation on a day to be proclaimed.

#### **Principal Act.**

3. In this Act, the *Gas and Fuel Corporation Act 1958* is called the Principal Act.

Act No. 6260  
Reprinted to No.  
10087.  
Subsequently  
amended by  
No 21/1986.

**Repeals.**

4. The *Gas Act* 1969, the *Gas Franchises Act* 1970 and the *Liquefied Petroleum Gas Subsidy Act* 1980 are repealed.

**Definitions.**

5. (1) Section 3 (1) of the Principal Act is amended as follows: 5
- (a) After the definition of “The Agreement” insert—
- ‘ “Consumer” means a person to whom the Corporation supplies gas.’;
- (b) After the definition of “Corporation” insert—
- ‘ “Domestic consumer” means a person to whom the Corporation supplies gas at a domestic tariff. 10
- “Domestic tariff” means a tariff of which the Corporation gives notice as a domestic tariff under section 72.’;
- (c) For the definition of “Gas” substitute— 15
- ‘ “Gas” means any gaseous fuel which is reticulated to any person for use for any purpose but does not include any gaseous fuel which is declared under sub-section (3) not to be a gas for the purposes of this Act.’; 20
- (d) After the definition of “Local authority” insert—
- ‘ “Meter” means an instrument that measures the quantity of gas passing through it.’.
- (2) After section 3 (2) of the Principal Act insert—
- “(3) The Governor in Council may, by Order published in the *Government Gazette*, declare any gaseous fuel not to be a gas for the purposes of this Act.”. 25

**New Parts V and VI inserted.**

6. After Part IV of the Principal Act insert—

**“PART V—GAS SUPPLY 30**

**Division 1—Responsibility for Gas Supply”**

**Corporation to transmit and supply gas by reticulation.**

“67. Subject to sections 68 and 102, the Corporation has the exclusive right to transmit and supply gas by reticulation in Victoria.”

**Approval of other suppliers.**

“68. (1) The Governor in Council may authorise a person other than the Corporation to transmit and supply gas in a specified area or for a specified purpose.

5 (2) If the Governor in Council gives an authority, the authorised person must comply with the terms and conditions specified in the authority in transmitting or supplying the gas.

10 (3) The Governor in Council may specify in the authority that some or all of the other provisions of this Act (except sections 86 and 87) and the regulations are to apply in relation to the transmission and supply of gas by an authorised person.

15 (4) If the Governor in Council specifies in an authority that a provision of this Act or of the regulations is to apply, that provision applies with any necessary changes and in particular as if any reference to the Corporation were a reference to the authorised person.

(5) The Governor in Council may amend or revoke an authority at any time.

20 (6) Any Order made under section 4 (1) (b) of the *Gas Act* 1969 and in force immediately before the commencement of section 6 of the *Gas and Fuel Corporation (Amendment) Act* 1987 continues in force under this Act and may be amended or revoked as if it were an authority under this section.”

**“Division 2—Terms and Conditions of Supply”****Corporation to supply gas on demand.**

25 “69. Subject to section 70, the Corporation must supply gas to any person who—

- (a) demands supply; and
- 30 (b) occupies or owns premises abutting on any street if the premises are at a distance of not more than 20 metres from a Corporation main which was laid primarily to provide a supply of gas to the premises of consumers; and
- (c) is not indebted to the Corporation at the time of demanding supply.”

**Corporation not required to supply in certain circumstances.**

35 “70. (1) The Corporation is not required to supply gas to a person or to increase materially the supply of gas to a consumer until it can provide adequate facilities to ensure that the supply is maintained without affecting the supply to other consumers.

40 (2) The Corporation is not required to supply or continue to supply gas to a gas fitting or to premises in which there is a gas fitting which does not conform with the regulations.

(3) A person who is dissatisfied with a refusal under sub-section (1) may appeal to the Minister whose decision is final.”

### **Installations.**

“71. A person to whom the Corporation is required to supply gas must pay the reasonable costs of— 5

- (a) any alteration to the Corporation’s mains; and
- (b) the installation of any meter or regulator at the premises; and
- (c) any other alteration to the distribution system—

which are required to enable the supply to be effected if— 10

- (d) the Corporation requires the payment; and
- (e) the supply is required for industrial or commercial purposes.”

### **Tariffs and conditions of supply.**

“72. (1) The Corporation may from time to time, by notice published in the *Government Gazette*, give notice of the tariffs and the terms and conditions on which the Corporation supplies gas to consumers. 15

(2) Subject to sub-section (3), the Corporation may give notice of different tariffs and terms and conditions in respect of different classes of consumers. 20

(3) Any person to whom the Corporation supplies gas at a domestic tariff is entitled to be supplied with gas on the same terms and conditions as any other person to whom the Corporation supplies gas at that tariff.

(4) The tariffs and terms and conditions of which the Corporation gives notice— 25

- (a) have effect from the day specified in the notice; and
- (b) are binding on the Corporation and the consumers to which they apply.

(5) Despite anything to the contrary in sub-sections (1), (2) and (4), but subject to sub-section (3), the Corporation may enter into a contract in writing with any person for the supply of gas to the person on the terms and conditions specified in the contract. 30

(6) The terms and conditions fixed under this section are in addition to and must not conflict with any other terms and conditions set out in this Division and the regulations.” 35

**Gas quality.**

“73. The gas supplied by the Corporation in a prescribed area must—

- 5           (a) meet the standards of quality prescribed in respect of that area; and  
          (b) comply with any other requirements of the regulations.”

**Billing of consumers.**

“74. The Corporation must—

- 10           (a) calculate in the manner prescribed the amount consumers are to be charged for the supply of gas; and  
          (b) render accounts to consumers in the manner prescribed.”

**Notice by consumer before quitting premises.**

15           “75. (1) A consumer must give the Corporation 48 hours’ notice before quitting any premises for which the consumer receives a supply of gas from the Corporation.

(2) If the notice is not given, the consumer is liable to pay to the Corporation the money accruing due in respect of the supply of gas up to the earlier of—

- 20           (a) the end of the current billing period; or  
          (b) the date from which any subsequent occupier of the premises requires the Corporation to supply gas to the premises.”

**Restrictions on disconnection for debt.**

25           “76. The Corporation must not disconnect the domestic supply of gas to any premises for failure by a domestic consumer to pay an account for that supply if the failure occurs through lack of sufficient income of the consumer and of any other person normally resident at the premises until—

- 30           (a) the Corporation has offered to advise the consumer about—  
          (i) optional methods of arranging payment of the account; and  
          (ii) other ways which may be available from government agencies to assist the consumer to pay the account; and  
35           (b) the consumer—  
          (i) refuses or fails to accept the offer of advice within a time specified by the Corporation (in each case being not less than 7 days); or  
40           (ii) accepts the offer of advice, but refuses or fails to take any reasonable action to pay the account within the time specified by the Corporation (in each case being not less than 7 days).”

**“Division 3—Meters”**

**Requirements for installation of meters.**

- “77. The Corporation must ensure that each meter it installs—
- (a) complies with the prescribed requirements; and
  - (b) is tested in the manner and at the intervals prescribed; and 5
  - (c) is sealed and installed in the manner prescribed.”

**Retention of meters after initial life of meter family.**

“78. (1) In this section—

“**Initial life**” in relation to a meter family, means—

- (a) the period prescribed in respect of that meter family; or 10
- (b) if no period is prescribed, the period of 10 years commencing on the day on which a meter in that meter family was first used to supply gas to a consumer. 15

“**Meter family**” means a group of meters in which—

- (a) all the meters have been made to the same specifications by the same manufacturer; and
- (b) there are no significant differences in components or materials between meters; and 20
- (c) all the meters have been sealed in the prescribed manner with the same date code.

(2) If the Corporation intends to retain the meters in a meter family in service for any period after the end of the initial life of that meter family, the Corporation must— 25

- (a) notify the Director of Consumer Affairs of the Corporation’s intention at least three months before the end of—
  - (i) the initial life of the meter family; and
  - (ii) each year that the meter family is in service after the initial life of the meter family; and 30
- (b) adopt the testing and sampling procedures for that meter family—
  - (i) that are prescribed; or
  - (ii) if no procedures are prescribed, that are approved by the Director of Consumer Affairs.’ 35

**“Division 4—Disputes in Relation to Meters and Billing”**

**Testing of meters.**

“79. (1) A domestic consumer may, at any time, in writing request the Director of Consumer Affairs to arrange a test of a meter installed at the premises of a domestic consumer. 40



(2) Before arranging a meter test requested under sub-section (1), the Director of Consumer Affairs may require the Corporation to do either or both of the following:

- 5           (a) Provide the Director of Consumer Affairs with information about the procedures it has followed in relation to the matter which gave rise to the request;
- (b) Carry out further investigations in relation to that matter.

(3) The Director of Consumer Affairs may direct the Corporation to conduct a test of the meter.

10       (4) If the Director of Consumer Affairs does not direct a test to be conducted under sub-section (3)—

- (a) the domestic consumer may demand that a test be conducted; and
- 15           (b) on receipt of the demand, the Director of Consumer Affairs must direct the Corporation to conduct a test of the meter.

(5) The Corporation may charge a fee in accordance with the regulations for conducting a meter test under this section.

(6) The meter test must be conducted and certified in the prescribed manner.

20       (7) The Director of Consumer Affairs must send a copy of the results of any meter test carried out under this section to the domestic consumer who requested the test.”

#### **Notice of defective meter.**

“80. If any prescribed test shows that the meter is—

- 25           (a) inaccurately registering; or
- (b) failing to register—

the amount of gas supplied to a consumer, the Corporation must notify the consumer of the period for which, in the view of the Corporation, the meter has been defective.”

#### **30 Overcharging as a result of a defective meter.**

“81. (1) If, from the results of any prescribed test conducted on a meter, it appears that a consumer has been overcharged, the Corporation must make the appropriate adjustment to the consumer’s accounts in favour of the consumer for the period notified by the Corporation

35       under section 80.

(2) If a meter test under section 79 shows that a domestic consumer has been overcharged, the Corporation must refund to the domestic consumer any charge paid by the domestic consumer for the meter test.”

**Undercharging as a result of a defective meter.**

“82. (1) If, from the results of any prescribed test conducted on a meter, it appears that a consumer has been undercharged, the Corporation may issue the consumer with an additional account.

(2) The period for which an additional account under sub-section (1) may be issued must not exceed— 5

(a) the period notified by the Corporation under section 80; or

(b) a period of—

(i) 12 months, in the case of a domestic consumer; or

(ii) three years, in any other case— 10

whichever is the shorter period.

(3) The additional account must include details of the manner in which the Corporation has calculated the additional amount to be paid by the consumer.”

**Consumers billed at incorrect tariffs. 15**

“83. (1) If the Corporation determines that a consumer has been supplied gas at an incorrect tariff as a result of which—

(a) the consumer has been overcharged, the Corporation must make the appropriate adjustment in favour of the consumer to the consumer’s accounts for the whole of the period during which the consumer has been supplied gas at the incorrect tariff; or 20

(b) the consumer has been undercharged, the Corporation may issue the consumer with an additional account for the whole of the period during which the consumer has been supplied gas at the incorrect tariff. 25

(2) Sub-section (1) (a) does not apply if the consumer has been overcharged through no fault of the Corporation.

(3) Sub-section (1) (b) does not apply if the consumer has been undercharged through the fault of the Corporation.” 30

**Appeals by domestic consumers.**

“84. (1) A domestic consumer may appeal to the Director of Consumer Affairs if the consumer is dissatisfied with any determination of the Corporation in relation to an adjustment of the consumer’s accounts. 35

(2) On an appeal, the Director of Consumer Affairs must determine what amount is owed or to be paid—

(a) by the domestic consumer to the Corporation; or

(b) by the Corporation to the domestic consumer.”

**“Division 5—Powers of Officers and Employees”****Identification.**

5 “85. (1) The Corporation must give an identification card to any of its officers or employees who in the course of their duties may need to enter the premises of a consumer or other person who has demanded a supply of gas from the Corporation.

(2) The identification card must bear the signature of a prescribed officer of the Corporation and the photograph and signature of the officer or employee.

10 (3) The officer or employee must show the identification card on demand to a consumer or other person whose premises the officer or employee needs to enter in the course of his or her duties.”

**Powers of entry.**

15 “86. At any reasonable time, an officer or employee of the Corporation may enter any premises to which the Corporation supplies gas to inspect any gas fitting or to find out the quantity of gas consumed or supplied.”

**Entering in emergency.**

20 “87. If an emergency occurs in or near premises to which the Corporation supplies gas which, in the opinion of an officer or employee of the Corporation, might endanger life or property, the officer or employee may at any time enter the premises to make gas fittings safe.”

**Power to disconnect supply.**

25 “88. The Corporation may stop gas from entering any premises by cutting off the service pipe or by any other means the Corporation thinks fit—

(a) if an officer or employee of the Corporation is—

(i) refused admission to the premises; or

30 (ii) hindered from entering the premises and making an inspection; or

(b) if an officer or employee of the Corporation considers that a situation is unsafe or is likely to become unsafe and that the only reasonable way of making the situation safe is to stop gas from entering the premises.”

35 **“Division 6—Gas Supply Emergency Provisions”**

**Proclamation that Division applies.**

“89. (1) If it appears to the Governor in Council that from any cause the available supply of gas is or is likely to become less than is sufficient for the reasonable requirements of the community, the

Governor in Council may by proclamation declare that this Division is to apply.

(2) The proclamation must be published in the *Government Gazette*.

(3) The proclamation takes effect on the date of its publication.

(4) The Governor in Council may at any time revoke a proclamation.” 5

**Powers of Minister.**

“90. (1) While a proclamation is in force, the Minister may give any directions that the Minister thinks necessary to ensure the safe and sure supply of gas. 10

(2) Without limiting sub-section (1), the Minister may by notice in writing do all or any of the following:

(a) Give any directions that are necessary to control, direct, restrict or prohibit the production, supply, distribution, sale, use or consumption of gas; 15

(b) Direct a person who extracts, produces, transmits or distributes gas to extract it for or produce it, transmit it or distribute it to a person specified in the direction;

(c) Direct a person to comply with any terms and conditions relating to the extraction, production, supply, distribution, sale, use or consumption of gas that the Minister determines; 20

(d) Direct a person to whom gas is provided or transmitted to accept the gas so provided or transmitted;

(e) Direct persons and bodies to carry out any work required to ensure the production, distribution or flow of gas; 25

(f) Direct what services must be maintained and upon what terms and conditions they must operate;

(g) Direct persons and bodies to operate and maintain services to the extent and upon the terms specified in the direction;

(h) Direct at what times and places and upon what terms and conditions and in what manner services may be used or availed of; 30

(i) Prohibit the operation or use of services except, if so specified in the prohibition, with the consent of the Minister;

(j) Requisition the use of property of any kind which is used or may be used for or in connection with the operation or maintenance of any service; 35

(k) Provide for or control, by direction, prohibition or requisition, the operation, use, disposal, distribution, storage, repair, upkeep and maintenance of any property or commodity used or which may be used for or in connection with any service; 40

- (l) By notice in writing authorise a person specified in the notice to enter any land, building or structure used for or in connection with the provision of services;
- 5 (m) Provide, by direction, prohibition or requisition, for any matter or thing incidental to the carrying into effect of the powers referred to in this section.
- (3) A direction, prohibition or requisition—
- (a) may be made so as to apply to or have operation throughout the whole or any part of Victoria; and
- 10 (b) may be made so as to operate for any period or periods or for any time or times or for any occasion or occasions specified in the direction; and
- (c) may be of general operation or of specially limited operation according to any specified times, places, circumstances, conditions or restrictions; and
- 15 (d) takes effect at the time specified in the direction, prohibition or requisition; and
- (e) shall have effect as if enacted in this Act.
- (4) A direction, prohibition or requisition must be published in the
- 20 *Government Gazette* as soon as possible after it is made.
- (5) The Minister may at any time revoke a direction, prohibition or requisition.
- (6) The expiry or revocation of a direction, prohibition or requisition does not affect—
- 25 (a) the previous operation of the direction, prohibition or requisition; or
- (b) the validity of any action taken under the direction, prohibition or requisition; or
- 30 (c) any penalty or punishment incurred in respect of any contravention of or failure to comply with the direction, prohibition or requisition or any proceeding or remedy in respect of such a penalty or punishment.”

**Compliance with directions etc. of Minister.**

- 35 “91. (1) Every body and every person to which or to whom any direction, prohibition or requisition is addressed or directed under this Division must comply with the direction, prohibition or requisition.
- (2) A direction, prohibition or requisition may be addressed or directed to bodies and persons generally or particularly, in writing or verbally, by publication or advertisement or by any other means or in
- 40 any other manner which appear or appears to the Minister to be practicable, appropriate or expedient in the circumstances.”

**Delegation of powers and functions by Minister.**

“92. The Minister may by instrument delegate to any person all or any of the Minister’s powers and functions under this Division (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.”

5

**Offences.**

“93. Any person who contravenes or fails to comply with a direction, prohibition or requisition made under section 90 is guilty of an offence and liable to—

- (a) a penalty of not more than 5 penalty units; and
- (b) in the case of a continuing offence, a further penalty of not more than 1 penalty unit for each day on which the offence is continued after the conviction or order of any court.”

10

**Judicial notice.**

“94. All courts must take judicial notice of any proclamation, direction, prohibition or requisition made, given or imposed under this Division.”

15

**Immunity from suit.**

“95. The Crown or any responsible Minister of the Crown or any officer or person acting in the execution of this Division or any proclamation, direction, prohibition or requisition under this Division is not liable to any action, claim or demand on account of any damage, loss or injury sustained or alleged to be sustained because of the operation of this Division or of anything done or purporting to be done under this Division or any proclamation, direction, prohibition or requisition under this Division.”

20

25

**“Division 7—Offences and Legal Proceedings”****Offences relating to gas supply.**

“96. (1) A person is guilty of an offence if that person—

- (a) lays or causes to be laid a pipe to communicate with a pipe belonging to the Corporation without its consent; or
- (b) wilfully or by culpable negligence injures or allows to be injured any gas fitting belonging to the Corporation; or
- (c) interferes in any way with a meter or prevents a meter from properly registering the quantity of gas supplied; or
- (d) fraudulently abstracts gas of the Corporation; or
- (e) if the gas supplied by the Corporation is not ascertained by a meter—
  - (i) uses a burner other than a burner provided or approved by the Corporation; or

30

35

40

(ii) keeps the gas burning for a longer time than that for which the person contracts; or

5 (f) otherwise fraudulently burns or uses gas supplied to the person by the Corporation or supplies any other person with any part of that gas.

(2) Any person who is guilty of an offence under sub-section (1) is liable to a penalty of not more than 5 penalty units.

10 (3) In addition to any penalty under sub-section (2), the Corporation may recover the amount of any damages sustained by the Corporation as a result of the wrongful act.

(4) Despite any contract previously existing, the Corporation may also discontinue the supply of gas to any person who has committed an offence under sub-section (1).

15 (5) When a meter is under the custody or control of a consumer, the existence of artificial means for—

(a) interfering with the meter; or

(b) preventing a meter from properly registering the quantity of gas supplied; or

(c) abstracting the Corporation's gas—

20 is evidence and, in the absence of evidence to the contrary, proof that the interference, prevention or abstraction has been fraudulently and wilfully caused by the consumer using the meter.”

**Offence to retain or use Corporation property without permission.**

25 “97. A person must not retain or use any property of the Corporation except in accordance with an authority of the Corporation.

Penalty: 5 penalty units.”

**Evidence of ownership.**

“98. In any legal proceedings by the Corporation, in addition to any other method of proof available—

30 (a) evidence that the person proceeded against is shown in the books of the Corporation to be the owner or occupier of the premises in relation to which the proceedings are instituted; or

35 (b) a certificate by the town clerk or the municipal clerk of the municipality within which the premises are situated that

the person proceeded against is rated in respect of the premises to any rate for the municipality—  
 is evidence and, in the absence of evidence to the contrary, proof, that the person is the owner or occupier (as the case may be) of the premises and the consumer of any gas supplied to the premises.”

5

#### **Evidence of testing and sealing.**

“99. A certificate to the effect that a meter has been tested or sealed in the prescribed manner, appearing to be signed by a person authorised to do so by the regulations, is evidence that the meter has been so tested or sealed.”

10

#### **Service of notices.**

“100. Unless it is otherwise expressly provided, every notice, order or demand required to be given by the Corporation to a consumer must be addressed to the consumer and must—

- (a) if the address of the consumer is known to the Corporation—  
 be served on the consumer or left with an adult person apparently residing at that address; or
- (b) if the address of the consumer is not known to the Corporation—
  - (i) be served on the occupier (if any) of the premises in respect of which the notice, order or demand is given or left with an adult person apparently residing at the premises; or
  - (ii) if there is no occupier, be put up on a conspicuous part of the premises; or
- (c) be served by prepaid letter addressed to the consumer at the consumer’s last known place of business or residence.”

15

20

25

#### **“Division 8—Report to Minister”**

#### **Annual report on gas supply.**

“101. (1) By 30 September in each year, the Corporation must, if the Minister directs, give the Minister a report on the measures taken in the previous financial year to monitor its compliance with this Act and the regulations in relation to the supply of gas.

30

(2) The report must set out any matters which the Minister or the Minister on the recommendation of the Minister for the time being administering the *Consumer Affairs Act 1972* directs to be included.”

35



**“Division 9—Saving of Contracts”****Contracts.**

“102. The coming into operation of this Part and the repeal of section 7 of the *Gas Franchises Act 1970* do not vary any rights of Esso Exploration and Production Australia Inc. and BHP Petroleum Proprietary Limited accruing under the terms and conditions of Agreements entered into jointly by Esso Exploration and Production Australia Inc. and Hematite Petroleum Proprietary Limited with the Corporation and the Colonial Gas Association Limited respectively before the commencement of the *Gas Franchises Act 1970*.”

**“PART VI—REGULATIONS AND BY-LAWS”****Regulations.**

“103. (1) The Governor in Council may make regulations for or with respect to—

- 15 (a) prescribing or approving the quality and design of materials, fittings and apparatus to be used in or in connection with gas installations and the methods to be followed in carrying out gas installations;
- 20 (b) requiring consumers to keep the gas pipes, fittings and apparatus on their premises in proper repair;
- (c) requiring the Corporation to install and maintain meters;
- (d) notices to be given by persons proposing to perform, performing or completing the performance of any gas fitting work;
- 25 (e) prescribing the qualifications of persons engaged in gas fitting work;
- (f) authorising specified officers of the Corporation to carry out prescribed tests;
- (g) prescribing areas for the purposes of Part V and this Part;
- 30 (h) prescribing the standards of quality of gas to be supplied in a prescribed area including standards relating to—
  - (i) heating value and minimum heating value; and
  - (ii) the purity of gas; and
  - (iii) the pressure at which gas is to be supplied; and
  - 35 (iv) the odour of gas to be supplied in a prescribed area and empowering the Minister to exempt the Corporation from those requirements in prescribed circumstances;
- 40 (i) prescribing the apparatus with which and the methods by which tests are to be made for testing the heating value, purity, nature and concentration of odour and pressure of gas and the methods of recording those tests;

- (j) prescribing the method and frequency of checking the accuracy of apparatus referred to in paragraph ( i );
- (k) prescribing places and times at which tests referred to in paragraph ( i ) must be made;
- (l) requiring the Corporation or an authorised officer of the Corporation to certify that the tests referred to in paragraph ( i ) have been carried out in accordance with the regulations; 5
- (m) prescribing the method for calculating any charge for the supply of gas;
- (n) prescribing the initial life of meters in any meter family; 10
- (o) prescribing the apparatus to be used and the tests to be conducted to sample meters in meter families to determine the initial life of meters;
- (p) requiring the Corporation or an authorised officer of the Corporation to certify— 15
  - (i) that any meter test has been conducted in accordance with the regulations; and
  - (ii) that any meter has been sealed in accordance with the regulations;
- (q) prescribing any other matter or thing relating to the testing, sealing and certifying of meters and the standards of performance of meters; 20
- (r) prescribing the procedures to be followed in and the charges to be made for tests carried out under Division 4;
- (s) the cutting off and discontinuance of the supply of gas to any premises; 25
- (t) the removal from any premises of all or any of the gas fittings or other property of the Corporation if the supply of gas is discontinued;
- (u) the conditions under which a supply of gas may be provided after discontinuance; 30
- (v) prescribing the terms and conditions of supply and the method of calculating charges for water supplied by the Corporation from bulk hot water installations;
- (w) prescribing procedures for sending accounts and prescribing the information to be included in accounts; 35
- (x) the protection of any gas undertakings, works, gas fittings or property of the Corporation and the prevention of any interference with them and generally providing for the safety of persons and property; 40
- (y) prescribing penalties not exceeding 5 penalty units for breaches of the regulations;
- (z) prescribing any matter or thing authorised or required to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect. 45

(2) Regulations made under this Act may be made—

(a) so as to apply—

(i) at all times or at a specified time; or

(ii) throughout the whole of the State or in a specified part of the State;

(b) so as to require a matter affected by the regulations to be—

(i) in accordance with a specified standard or specified requirement; or

(ii) approved by or to the satisfaction of the Corporation or a specified officer of the Corporation;

(c) so as to incorporate, adopt or apply, wholly or partially or as amended by the regulations, the provisions of any document, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether—

(i) as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; or

(ii) as amended from time to time;

(d) so as to confer a discretionary authority on the Corporation or a specified officer of the Corporation; and

(e) so as to provide, in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to the extent specified.”

#### **By-laws of Corporation.**

“104. (1) Subject to this Act, the Corporation may make by-laws for or with respect to—

(a) the cutting off and discontinuance of the supply of gas to any premises supplied by the Corporation in consequence of any default on the part of the occupier of the premises;

(b) the removal from any premises of all or any of the gas fittings or other property of the Corporation if the supply of gas is discontinued;

(c) the conditions under which a supply of gas may be provided after discontinuance;

(d) requiring consumers to keep the gas pipes, fittings and apparatus on their premises in proper repair;

(e) the appointment, powers and duties and the control, supervision, guidance, regulation, discipline, suspension and removal of all officers and persons appointed or employed by the Corporation;

(f) the establishment, consolidation, merger, maintenance and regulation of any fund under this Act for the provision or granting of superannuation, allowances, pensions, annuities or gratuities and the amounts payable into or out of any such fund. 5

(2) The Corporation must—

(a) cause to be published in the *Government Gazette* and in a daily newspaper circulating in Victoria, a notice of the making of the by-law containing—

(i) the title of the by-law; and 10

(ii) a summary of the contents of the by-law; and

(iii) a statement that a copy of the by-law is available during office hours at the office of the Corporation for any person to inspect or to make a copy of or an extract from free of charge; and 15

(b) cause a true copy of the by-law to be available accordingly; and

(c) without delay cause the by-law to be printed; and

(d) supply a printed copy of the by-law to any person during office hours at the office of the Corporation for a sum that the Corporation fixes not exceeding \$2.00. 20

(3) Without prejudice to any other method of revocation, the Governor in Council may revoke any by-law by Order published in the *Government Gazette*.”.

**New section 26A inserted.** 25

7. After section 26 of the Principal Act insert—

**Bulk hot water.**

“26A. The Corporation may establish bulk hot water installations in any area and supply water to any person at a charge determined by the Corporation in accordance with the regulations and on the terms and conditions determined by the Corporation.”. 30

**Offence to hinder officer of Corporation.**

8. In section 38 of the Principal Act—

(a) before “in the performance” insert “in the entry of any premises or”; and 35

(b) for “\$10” substitute “5 penalty units”.

**New section 38B inserted.**

9. After section 38A of the Principal Act insert—

**Immunity in relation to approval of installation.**

5 “38B. The Corporation is not liable to any action, liability, claim or demand arising from its approval under the regulations of any gas installation or gas fitting installed or to be installed.”.

**New section 40A inserted.**

10. After section 40 of the Principal Act insert—

**Offences by bodies corporate.**

10 “40A. (1) If a person charged with an offence against this Act is a body corporate, any person who is concerned or takes part in the management of that body corporate may be charged with the same offence.

15 (2) If a body corporate is convicted of an offence against this Act, a person charged under this section with the same offence may also be convicted of the offence and is liable to the penalty for that offence unless that person proves that the act or omission constituting the offence took place without that person’s knowledge or consent.”.

**Consequential amendments to Principal Act.**

20 11. The Principal Act is amended as follows:

(a) In section 1, omit all words and expressions after “*Government Gazette*”;

(b) In section 28 (1) for “the *Gas Act 1969*” substitute “Part V”;

25 (c) Sections 42 and 43 are repealed.

**Consequential amendments to other Acts.**

12. (1) In section 98A (3) (b) of the *Building Control Act 1981*, for “, the *Liquefied Gases Act 1968* or the *Gas Act 1969*” substitute “or the *Liquefied Gases Act 1968*”.

No. 9720.  
Reprinted to  
No. 10090.  
Subsequently  
amended by Nos.  
10190, 10216,  
10239, 10262,  
16/1986, 90/1986  
and 110/1986.

No. 10189.

30 (2) In section 9 (e) of the *Dangerous Goods Act 1985*, for “the *Gas Act 1969*” substitute “Part V of the *Gas and Fuel Corporation Act 1958*”.

(3) In section 12 (8) of the *Energy Consumption Levy Act 1982*, for “*Gas Act 1969*” substitute “*Gas and Fuel Corporation Act 1958*”.

No. 9846.  
Amended by  
Nos. 9989,  
10155, 23/1986  
and 88/1986.

No. 6270.  
R printed to  
No. 10262.  
Subsequently  
amended by Nos.  
16/1986,  
80/1986,  
119/1986,  
121/1986,  
124/1986 and  
127/1986.

(4) In section 66 (4) (b) of the *Health Act 1958*, omit “or the *Gas Act 1969*”.