



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 653]

FRIDAY, JUNE 18.

[1948

GAS REGULATION ACT 1933.

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia. &c., &c., &c.

IN pursuance of the powers conferred by the provisions of the *Gas Regulation Act 1933*, I, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, do by this my Proclamation revoke a Proclamation which was made on the tenth day of June, 1948, by virtue of and in accordance with the provisions contained in section 33 of the *Gas Regulation Act 1933*, and which was published in the *Government Gazette* of the aforesaid tenth day of June, 1948.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this seventeenth day of June, in the year of our Lord One thousand nine hundred and forty-eight, and in the twelfth year of the reign of His Majesty King George VI.

(L.S.) WINSTON DUGAN.

By His Excellency's Command,

K. DODGSHUN,
Chief Secretary.

GOD SAVE THE KING!

Gas Regulation Act 1933.
EMERGENCY POWERS UNDER THE
GAS REGULATION ACT 1933 (No. 4142).

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia. &c., &c., &c.

WHEREAS, by section 33 of the *Gas Regulation Act 1933*, it is amongst other things enacted that whenever 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 from time to time exercise all or any of the powers conferred on him

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by or under the said provision, and may from time to time by Proclamation declare that on and after the date of publication of such Proclamation in the *Government Gazette*, or a later date specified therein, the provisions of section 33 of the said Act shall have effect: And whereas there exists in Victoria an acute shortage of coal of the type required for the making of gas: And whereas as a consequence of such cause it appears to the Governor in Council that the available supply of gas is less than is sufficient for the reasonable requirements of the community: Now therefore I, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, and in pursuance of the powers conferred by section 33 of the said Act, do by this my Proclamation declare that on and after the date of the publication of this my Proclamation in the *Government Gazette*, the provisions of section 33 of the *Gas Regulation Act 1933* shall have effect.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this seventeenth day of June, in the year of our Lord One thousand nine hundred and forty-eight, and in the twelfth year of the reign of His Majesty King George VI.

(L.S.) WINSTON DUGAN.

By His Excellency's Command,

K. DODGSHUN,
Chief Secretary.

GOD SAVE THE KING!

GAS REGULATION ACT 1933.

At Government House, Melbourne, the seventeenth day of June, 1948.

PRESENT:

His Excellency the Governor of Victoria.
Mr. Dodgshun | Mr. Warner.

REGULATIONS.

WHEREAS by a Proclamation dated the seventeenth day of June, 1948, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, declared that on and after the date of the publication in the *Government Gazette* of such Proclamation the provisions of section 33 of the *Gas Regulation Act*

1933 should have effect: And whereas the said Proclamation was published in the *Government Gazette* of the eighteenth day of June, 1948: Now therefore His Excellency the Governor of the said State, by and with the advice of the Executive Council thereof, and in pursuance of the powers conferred by section 33 of the said Act, doth hereby make the following Regulations (that is to say):—

1. (1) These Regulations may be cited as the "Gas Regulation (Emergency Powers) Regulations (No. 55)," and shall apply to and have operation throughout the areas supplied with gas by the Metropolitan Gas Company, the Colonial Gas Association Limited (as to its Footscray, Box Hill, Frankston, and Oakleigh works), the Brighton Gas Company Limited, the Mordialloc City Council Gas Works, the Geelong Gas Company, the Ballarat Gas Company, the Bendigo Gas Company, and the Warrnambool City Council Gas Works.

(2) These Regulations shall take effect on and after the date of the publication of such Regulations in the *Government Gazette*.

2. During the period beginning on the day of commencement of these Regulations and ending on the thirty-first day of August, 1948, the provisions of sub-section (1) and sub-section (3) and sub-section (4) of section 20 of the *Gas Regulation Act 1933* shall not apply.

3. If on any day for a period of two hours or upwards the calorific value of gas supplied by any undertaker, ascertained in accordance with the said Act, is below the prescribed calorific value the undertaker shall be liable—

- (a) to a penalty of not more than Five pounds for every complete One per centum by which the calorific value is deficient;
- (b) for any deficiency in excess of Five per centum of deficiency—to a penalty of not less than Twenty-five pounds, and not more than Fifty pounds:

Provided that, where there is no continuous record of the calorific value of the gas supplied by any undertaker, if on any occasion of testing the calorific value at any testing place is found to be deficient by more than One per centum of the prescribed calorific value a second testing shall be made on the same day after an interval of not less than one hour, and the mean of the two testings shall be deemed, for the purpose of these Regulations, to be the calorific value of the gas supplied by the undertaker at that testing place for a period of two hours, ascertained as aforesaid.

4. (1) An undertaker shall not be liable to any penalty under these Regulations in any case—

- (a) where it shows that the deficiency or failure was due to circumstances which could not reasonably have been avoided by the undertaker;
- (b) where a deficiency in calorific value on the occasion of any complete testing, made as aforesaid, does not exceed Five per centum of the prescribed calorific value, and the average calorific value of the gas supplied for the calendar month in which such deficiency occurs is not less than the prescribed calorific value.

(2) Proceedings against an undertaker in respect of any penalty imposed under these Regulations may be commenced at any time within two months after the last day of the month in respect of which the report of the gas examiner to the Minister relates.

5. An undertaker shall not be liable for more than one penalty in respect of any complete testing for any deficiency in calorific value composition or pressure of gas supplied from any one works.

And the Honorable Keith Dodgshun, His Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.