



GAS FRANCHISES.

No. 97 of 1973.

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AN ACT with respect to the rights of the Hobart Gas Company and the Launceston Gas Company to supply gas in certain areas and for other purposes.

[22 January 1974.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 This Act may be cited as the *Gas Franchises Act 1973*.

Short title.

Interpretation.
Cf. No. 8057
(Vic.), s. 2.

2—(1) In this Act, unless the contrary intention appears—

“franchise area” means the Hobart franchise area or the Launceston franchise area, as the context may require;

“franchise holder”, used in relation to—

(a) the Hobart franchise area, means the Hobart Gas Company; and

(b) the Launceston franchise area, means the Launceston Gas Company;

“gas” means carburetted water gas, coal gas, oil gas, producer gas, water gas, liquefied petroleum gas, tempered liquefied petroleum gas, reformed liquefied petroleum gas, reformed naphtha gas, natural gas, refinery gas, reformed refinery gas, and any substance which the Governor, by proclamation, declares to be gas for the purposes of this Act, and a mixture of two or more of those gases;

“gas supplier’s licence” means a licence to supply liquefied petroleum gas issued pursuant to the regulations made under the *Inflammable Liquids Act 1929*;

“Hobart franchise area” has the meaning assigned to that expression by subsection (1) of section three;

“Launceston franchise area” has the meaning assigned to that expression by subsection (2) of section three;

“liquefied petroleum gas” means a gas or an inflammable liquid that is a mixture of hydrocarbons basically consisting of propane, propylene, butane, or butylenes, or a mixture of all or any of them;

“metal working” means the working of metal by means of flame cutting, welding, brazing, silver soldering, and hand-torch operations wherein gas is used in combination with neat oxygen or oxygen enriched air, but does not include furnace heating or any other mode of producing or concentrating heat for the purpose of performing an operation on, or in respect of, metal;

“motor vehicle” has the meaning assigned to that expression by section three of the *Traffic Act 1925*;

“refinery gas” means gas that is a by-product of the process of refining petroleum;

“the Hobart Gas Company” means the company referred to in the *Hobart Town Gas Company’s Act 1854*;

“the Launceston Gas Company” means the company referred to in the *Launceston Gas Company’s Act 1858*.

(2) A reference in this Act to the supply of gas in bulk is a reference to the supply of gas in a cylinder that contains, or cylinders

that contain, more than twenty-seven kilogrammes of gas, as the case may be.

3—(1) The Hobart Gas Company is the franchise holder in respect of the following areas of land (in this Act referred to as “the Hobart franchise area”), namely:—

Franchise holdings of the Hobart Gas Company and the Launceston Gas Company.

(a) The area of land contained within the red boundary lines delineated on the map contained in the first schedule; and

(b) Any other area of land that the regulations declare to be part of the Hobart franchise area.

(2) The Launceston Gas Company is the franchise holder in respect of the following areas of land (in this Act referred to as “the Launceston franchise area”), namely:—

(a) The area of land contained within the red boundary lines delineated on the map contained in the second schedule; and

(b) Any other area of land that the regulations declare to be part of the Launceston franchise area.

4—(1) Subject to subsection (2) of this section and to section five, a franchise holder has the exclusive right to supply, either by its servants or agents—

Rights of franchise holders. *Ibid.*, s. 3.

(a) gas by reticulation in its franchise area; and

(b) gas in bulk to any place within its franchise area.

(2) In relation to the rights conferred on it by this section, a franchise holder has the like remedies in respect of the disturbance of the exercise and enjoyment of those rights as if they constituted an incorporeal hereditament.

5—(1) Notwithstanding the provisions of section four, a person may, within a franchise area, supply—

Rights of other persons in franchise areas. *Ibid.*, s. 4.

(a) gas as a fuel for motor vehicles;

(b) gas for use as a raw material in a chemical manufacturing process;

(c) liquefied petroleum gas to the holder of a gas supplier's licence for filling cylinders or for trans-shipment out of the franchise area;

(d) gas to a gas processor for processing into industrial gases; or

(e) gas for metal working.

(2) Notwithstanding the provisions of section four, a person may—

(a) with the consent of the franchise holder; or
 (b) pursuant to a permit granted by the Minister,
 supply gas in bulk to any place within the franchise area in which that franchise holder has the right to supply gas under that section.

(3) The Minister shall not grant a permit to a person under subsection (2) of this section, unless he is satisfied that the appropriate franchise holder—

- (a) has unreasonably refused or neglected to give his consent to that person under that subsection; and
- (b) is unable or unwilling to supply gas to any particular consumer at a reasonable price.

(4) Subject to subsection (5) of this section, nothing in section four prevents the supply of gas in bulk by a person within a franchise area pursuant to a contract entered into before the commencement of this Act if that person notifies the Minister, in writing, of the terms of the contract within twenty-eight days after the date of the commencement of this Act or within such further period as the Minister may, in his discretion, determine.

(5) Where, pursuant to section three, the regulations declare an area of land to be part of the Hobart franchise area or part of the Launceston franchise area, as the case may be, the provisions of subsection (4) of this section apply to a contract for the supply of gas in bulk within that area of land as it applies to a contract referred to in that subsection, except that for the words “commencement of this Act” (wherever occurring) there shall be substituted the words “notification of the relevant regulations in the *Gazette*”, in each case.

(6) Where a contract referred to in subsection (4) or subsection (5) of this section provides for the supply of gas in bulk to a person for a fixed term, the supplier of the gas may, on the expiry of the contract enter into a similar contract with that person on such terms and conditions as such person and supplier may determine.

Powers in relation to gas contained in *Local Government Act 1962* not exercisable in franchise areas.

6 The powers conferred on a corporation by Division X of Part XVI of the *Local Government Act 1962* shall not be exercised by the corporation within a franchise area.

Regulations.

7 The Governor may make regulations for the purposes of this Act.