

## LAUNCESTON GAS COMPANY ACT 1982

### No. 19 of 1982

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## LAUNCESTON GAS COMPANY ACT 1982

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No. 19 of 1982

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**AN ACT to declare the Launceston Gas Company always to have been a body corporate with perpetual succession, to validate certain actions and proceedings of the Launceston Gas Company, to provide for the incorporation of the Launceston Gas Company under the Companies (Tasmania) Code, to provide for the repeal of the Launceston Gas Company's Act 1858, the Launceston Gas Company's Act 1859, and the Launceston Gas Company's Act 1885 and to provide for other matters.**

**[Royal Assent 1 September 1982]**

WHEREAS the Launceston Gas Company was formed by a deed of co-partnership dated 1st November 1858 and is regulated under and in accordance with the *Launceston Gas Company's Act 1858*, the *Launceston Gas Company's Act 1859*, and the *Launceston Gas Company's Act 1885*; Preamble.

AND WHEREAS doubts exist as to whether or not the Launceston Gas Company is a body corporate with perpetual succession and it is desirable that those doubts be removed;

AND WHEREAS the purposes of the Launceston Gas Company are set out in section 2 of the *Launceston Gas Company's Act 1858* but the company has engaged in activities that are not within those purposes or within the powers conferred by the *Gas Franchises Act 1973* and it is desirable that the actions of the Company in engaging in those activities be validated;

AND WHEREAS a meeting of shareholders of the Launceston Gas Company held on 2nd December 1980 is thought to have been held unlawfully and it is desirable that the proceedings at that meeting be validated;

AND WHEREAS the Launceston Gas Company in accordance with resolutions passed at that meeting purported to issue additional shares and to approve the reconstruction of the share capital of the company but doubts exist as to the legal validity of that issue and that reconstruction and it is therefore desirable that that issue and that reconstruction be validated;

AND WHEREAS the shareholders of the Launceston Gas Company may wish to reform the company as a company incorporated under the *Companies (Tasmania) Code* and it is desirable that the incorporation of the company under that Code be facilitated, and that the *Launceston Gas Company's Act 1858*, the *Launceston Gas Company's Act 1859*, and the *Launceston Gas Company's Act 1885* be repealed, but that certain of the powers conferred on the company under the *Launceston Gas Company's Act 1858* be retained by the reformed company:

**BE IT THEREFORE** 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:—

## PART I

### PRELIMINARY

Short title.

**1**—This Act may be cited as the *Launceston Gas Company Act 1982*.

Commence-  
ment.

**2**—(1) Part I shall commence on the day on which this Act receives the royal assent.

(2) Parts II and III shall commence on the day fixed under section 8.

**3**—(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

“ Commissioner ” means the Commissioner for Corporate Affairs;

“ instrument ” means a document, other than an Act, that creates, evidences, modifies, or extinguishes rights or obligations;

“ legal proceedings ” includes an arbitration;

“ obligations ” includes duties and liabilities;

“ property ” means any legal or equitable estate or interest, whether present or future and whether vested or contingent, in real or personal property of any description, and includes things in action;

“ relevant day ” means the day fixed by proclamation under section 8;

“ rights ” includes powers and privileges;

“ security ” means a mortgage or charge, whether legal or equitable, or a debenture, bill of exchange, promissory note, guarantee, lien, or pledge, or any other security for the payment of money or for the discharge of an actual or contingent obligation;

“ undertaking ”, in relation to the company, means all property of the company and all rights and obligations of the company.

(2) In this Part and Part II, a reference to “ the company ” is a reference to the Launceston Gas Company formed by a deed of co-partnership dated 1st November 1858.

**4**—(1) For the avoidance of doubt, the company is declared to have been a body corporate with perpetual succession from the time when it was formed. **Declaration that company always has been a body corporate**

(2) Notwithstanding the provisions of clause 2 of the deed of co-partnership dated 1st November 1858 under which the company was formed and whether or not any general meeting of shareholders referred to in that clause has been held and any resolution extending the term of the company has been carried at any such meeting, the company shall be deemed not to have expired or been dissolved but shall be deemed to have continued in existence.

Validation of  
certain acts and  
proceedings of  
the company.

**5**—(1) Notwithstanding the provisions of the *Launceston Gas Company's Act 1858*—

- (a) the purposes for which the company was formed shall, on and from 2nd December 1980, be deemed to have included the purpose of carrying out operations relating to exploring for petroleum and natural gas;
- (b) all things done or purporting to be done in order to carry out those purposes shall, if they could have been lawfully done by a natural person, be deemed to have been lawfully done by the company;
- (c) the meeting of the shareholders of the company held on 2nd December 1980 shall be deemed to have been lawfully and properly held and the proceedings at that meeting are declared to be valid and, in particular—
  - (i) the issues of shares in accordance with the resolution purporting to have been passed at that meeting;
  - (ii) the resolution passed at that meeting which purported to have approved the division of each share of the company into 40 shares having a nominal value of 50 cents each; and
  - (iii) the resolution passed at that meeting which purported to have altered the voting rights attaching to a share of the company, shall be deemed to have been validly made;
- (d) the company shall be deemed to have had—
  - (i) on and from 1st November 1959 up to and including 31st December 1962, the powers set forth in the third Schedule to the *Companies Act 1959*;
  - (ii) on and from 1st January 1963 up to and including 30th June 1982, the powers set forth in section 19 of, and in the third Schedule to, the *Companies Act 1962*; and
  - (iii) on and from 1st July 1982, the powers set forth in section 67 of, and Schedule 2 to, the *Companies (Tasmania) Code*; and

- (e) all directors of the company purporting to have been elected as such since the formation of the company shall be deemed to have been validly elected and meetings of those directors shall be deemed to have been lawfully and properly held.

(2) A reference in the *Launceston Gas Company's Act 1858* to gas is a reference to, and shall be deemed always to have been a reference to, 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 is a mixture of 2 or more of those gases.

(3) The issue by the company during the period beginning on 15th December 1980 and ending on 15th January 1981 of 7 000 shares (being a one-for-one rights issue to existing shareholders) at a premium of \$142 per share shall be deemed to have been validly made notwithstanding that it was not approved at the meeting of shareholders of the company held on 2nd December 1980.

6—(1) The directors of the company shall, on the requisition of shareholders of the company holding at the date of the deposit of the requisition not less than one-tenth of the paid-up capital of the company as at the date of the deposit, forthwith proceed to convene an extraordinary general meeting of the company to be held as soon as practicable, but in any case not later than 2 months after the receipt by the company of the requisition, for the purpose of considering a motion or motions to reform the company as a company incorporated under the *Companies (Tasmania) Code*.

Directors to convene extraordinary general meeting of shareholders for purpose of reforming the company on request.

(2) A requisition referred to in subsection (1) shall state the purpose of the meeting and shall be signed by the requisitionists and deposited at the office of the company.

(3) If the directors do not within 21 days after the date of deposit of the requisition proceed to convene a meeting, the requisitionists, or any of them representing more than one-tenth of the total voting rights of all of the requisitionists, may themselves, in the manner as nearly as possible the same as that in which meetings are to be convened under the *Companies (Tasmania) Code* by the directors of a company registered under that Code, convene an extraordinary general meeting, but any such meeting shall not be held after the expiry of 3 months after that date.

(4) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors of the company to convene an extraordinary general meeting for the purpose referred to in subsection (1) shall be paid to the requisitionists by the company, and any sum so paid shall be retained by the company out of any sums due or to become due from the company, by way of fees or other remuneration in respect of their services, to such of the directors who were in default.

(5) In relation to an extraordinary meeting of shareholders of the company held or proposed to be held for the purpose referred to in subsection (1), this section applies to the exclusion of section 75 of the *Launceston Gas Company's Act 1858*.

Lodgment of  
documents with  
Commissioner.

**7**—(1) If, at an extraordinary general meeting convened in accordance with section 6, the shareholders of the company pass a resolution to reform the company as a company limited by shares incorporated under the *Companies (Tasmania) Code* and the reformed company would, if so incorporated, have at least 5 members, the directors of the company shall, as soon as practicable after the conclusion of the meeting, lodge with the Commissioner—

- (a) an application in writing to the Commissioner requesting him to register the company under the *Companies (Tasmania) Code* as a company limited by shares;
- (b) a memorandum of association and, if the shareholders approved articles of association at that meeting for the reformed company, those articles of association;
- (c) a copy of the resolution;
- (d) such other documents as may be required to be lodged by or under the *Companies (Tasmania) Code*; and
- (e) such fees as may be required to be paid by or under that Code with respect to the registration of a company.

(2) The Commissioner may, if he thinks fit, require to be lodged with him a statutory declaration in the prescribed form by a legal practitioner engaged in the reformation of the company or by a person named in the articles of association (if any) as a director or secretary of the company stating that all or any of the requirements of the *Companies (Tasmania) Code* have been complied with, and the Commissioner may accept such a declaration as sufficient evidence of compliance.



(3) The memorandum of association referred to in subsection (1) (b) shall be in accordance with section 37 of the *Companies (Tasmania) Code*.

(4) If the name under which the reformed company seeks to be registered is the "Launceston Gas Company Limited" or "Launceston Gas Company Ltd.", the company shall be registered with that name and in that event the provisions of section 40 of the *Companies (Tasmania) Code* shall not apply in relation to that company.

**8**—As soon as practicable after the lodgment of the documents and the payment of the fees referred to in section 7 and on being satisfied that the reformed company has at least 5 members, the Commissioner shall notify the Governor in writing of the lodgment of those documents and the payment of those fees, and, on receipt of the notice, the Governor shall make a proclamation fixing a day on which Parts II and III shall commence.

Governor to fix a date for the commencement of Parts II and III.

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## PART II

### INCORPORATION OF REFORMED COMPANY UNDER COMPANIES (TASMANIA) CODE

**9**—In this Part, a reference to the reformed company is a reference to the company in respect of which an application and documents were lodged under section 7.

Interpretation: Part II.

**10**—(1) On the relevant day, the Commissioner shall, subject to and in accordance with the *Companies (Tasmania) Code*, register the reformed company by registering the memorandum and articles (if any) under that Act and thereupon the reformed company shall become incorporated under the *Companies (Tasmania) Code* as a company limited by shares.

Incorporation of reformed company.

(2) On the registration of the memorandum of association in respect of the reformed company, the provisions of section 35 (subsections (1) and (9) excepted) of the *Companies (Tasmania) Code*, apply to and in relation to the reformed company.

Vesting of  
undertaking  
in reformed  
company.

**11**—(1) On the relevant day, by virtue of this section—

- (a) the undertaking of the company shall become vested in the reformed company;
- (b) the deed of co-partnership dated 1st November 1858 under which the company was formed shall be discharged; and
- (c) the following Acts shall be repealed:—
  - (i) the *Launceston Gas Company's Act 1858*;
  - (ii) the *Launceston Gas Company's Act 1859*;
  - (iii) the *Launceston Gas Company's Act 1885*.

(2) On and after the relevant day, references in the *Gas Franchises Act 1973* and in the *Launceston Gas Company Loan Guarantee and Subsidy Act 1976* to the Launceston Gas Company shall be read as references to the reformed company.

(3) On and after the relevant day, except in so far as the context or subject-matter otherwise indicates or requires, where in an instrument that was in force immediately before that date there is a reference to the company, that instrument shall continue in force as if that reference were a reference to the reformed company.

(4) All persons who are holders of shares in the company immediately before the relevant day shall, on that day, become holders of shares of the reformed company of the same nominal value and paid up to the same extent and there shall be deemed to be attached to those shares the same rights and obligations as those which are attached to shares in the company.

Supplementary  
provisions  
with respect  
to securities,  
&c.

**12**—Without limiting the general effect of section 11, the following provisions have effect on and from the relevant day:—

- (a) a security given by the company as security for the discharge of an obligation outstanding from that company and subsisting immediately before that day shall be deemed to have been given by the reformed company, and the holder of such a security shall be entitled to all the rights and priorities and be subject to all the obligations to which that holder would have been entitled or subject if this Act had not been passed;
- (b) a security held by the company as security for the discharge of an obligation outstanding to the company shall—
  - (i) be available to the reformed company as security for the discharge of that obligation; and

- (ii) where the security extends to a future obligation—be available as security for the discharge of an obligation incurred to the reformed company on or after that day;
- (c) the reformed company shall, in relation to a security referred to in paragraph (b), be entitled to all the rights and priorities and be subject to all the obligations to which the company would have been entitled or subject if this Act had not been enacted.

**13**—Without limiting the general effect of section 11, the following provisions have effect on and from the relevant day:—

Supplementary provisions with respect to legal proceedings, documents, &c.

- (a) legal proceedings instituted by or against the company before and pending at the relevant day may be continued by or, as the case may be, against the reformed company;
- (b) legal proceedings by or against the company to enforce a right that had accrued before, and is in existence at, the relevant day may be commenced by or, as the case may be, against the reformed company;
- (c) a judgment or order of a court obtained by or against the company may be enforced by or, as the case may be, against the reformed company;
- (d) an instrument addressed to and purporting to be served on the company shall be deemed to be served on the reformed company.

**14**—On the relevant day, all employees of the company shall become employees of the reformed company on the same terms and conditions as those on which they were employed immediately before that day by the company and with the rights and obligations accrued or accruing in respect of their employment with the company.

Transfer of employees of the company.

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### PART III

#### SPECIAL PROVISIONS RELATING TO REFORMED COMPANY

**15**—(1) In this Part, unless the context or subject-matter otherwise indicates or requires—

Interpretation: Part III.

“ gas apparatus ” includes gas appliances, gas pipes, gas meters, or gas fittings, which is or are the property of the reformed company;

- “ municipality ” means the City of Launceston, the municipality of Lilydale, the municipality of St Leonards, or the municipality of Westbury;
- “ officer ”, in relation to the reformed company, has the meaning assigned to that expression by section 5 (1) of the *Companies (Tasmania) Code* in relation to a corporation;
- “ public place ” does not include a road;
- “ the reformed company ” means the company incorporated in accordance with section 10;
- “ road ” has the meaning assigned to that expression by section 4 (1) of the *Local Government Act 1962*.

(2) A reference in this Part to a road, public place, sewer, or drain is a reference to a road, public place, sewer, or drain within a municipality.

(3) For the purposes of any provision of this Part that provides that an officer of the reformed company who is in default is guilty of an offence, the phrase “ officer in default ” means any officer of the company who—

- (a) does or fails to do the act which constitutes the offence knowingly and intentionally; or
- (b) authorizes or permits the commission of, or the failure to do, the act which constitutes the offence.

**16**—(1) Subject to this Part, the reformed company—

(a) may—

- (i) construct such gas storage tanks and other works necessary or desirable for the operation of a gas undertaking;
- (ii) install such gas apparatus, and such machines and other fittings; and
- (iii) lay such pipes, drains, sewers, and water courses,

as it considers necessary for the purpose of enabling it to carry out its objects; and

- (b) may maintain, repair, alter, or remove any tanks, works, apparatus, machines, fittings, pipes, drains, sewers, or water courses so constructed, installed, or laid.

(2) For the purpose of enabling the reformed company to carry out an activity which it is empowered to carry out under subsection (1), the company may, subject to this Part, break up, open, or cut into, or remove the surface of a road or public place and the underlying rock or soil or any sewer or drain under or forming part of that road or place.

(3) The power conferred under subsection (1) (a) (ii) may be exercised in relation to a wall (including the wall of a building) which adjoins or is in the immediate vicinity of a road or public place.

(4) Where a road in relation to which the power conferred by subsection (2) is sought to be exercised is not a public road, that power may, subject to subsection (5), be exercised only with the consent of the owners of that road.

(5) Subsection (4) does not apply in a case where an emergency arises and the owners referred to in that subsection cannot immediately be located.

(6) Where the reformed company exercises the power conferred by subsection (1) (a) (ii) in relation to a wall which is on land that is not a public place, the owner of the land shall be entitled to receive from the reformed company such amount by way of compensation as may be agreed between him and that company or, in the absence of such an agreement, such amount as may be determined by arbitration under the *Arbitration Act 1892*, and the provisions of that Act shall apply to the arbitration as if this subsection were a written agreement to submit differences to arbitration.

**17**—(1) Subject to subsection (2), the reformed company shall not exercise a power conferred by section 16 (2) in relation to any road or public place vested in or under the control of the corporation of a municipality unless it has given to the council of that municipality not less than 24 hours' notice in writing of its intention to exercise that power and particulars of the work proposed to be undertaken and of the location where it is to be carried out.

Notice of intention to break up, open, or cut into surface of road, &c.

(2) In a case of an emergency arising from a defect in any gas apparatus, the reformed company may exercise the power referred to in subsection (1) in relation to a road or public place so referred to without giving the notice required under that subsection, but, in such a case, the company shall give to the council concerned notice in writing specifying particulars of the work undertaken and of the location where it was carried out within 24 hours after the work was begun.

(3) Where the reformed company exercises a power conferred on it by section 16 (2) in relation to a road or public place vested in or under the control of the corporation of a municipality, the council of that municipality has a right to nominate a person to supervise the carrying out of work in accordance with that power.

(4) Where a person is nominated in accordance with subsection (3), the reformed company and each of its employees or independent contractors engaged in carrying out the work shall comply with any lawful direction given by that person.

(5) If the reformed company contravenes or fails to comply with a provision of this section, that company, and every officer in default, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(6) If an employee or independent contractor of the reformed company fails to comply with subsection (4), that employee or contractor is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$250.

Restoration of  
road surfaces,  
&c., without  
delay.

**18**—(1) Where the reformed company breaks up, opens, or cuts into the surface of a road or public place pursuant to the power conferred by section 16 (2), it—

- (a) shall carry out the work for which that surface is broken up, opened, or cut into without unnecessary delay;
- (b) while that work is in progress, shall ensure that that surface is reasonably safe for persons using the road or public place and, for that purpose, shall, so far as may be necessary, fence and illuminate the site of that work; and
- (c) as soon as practicable after completing that work, shall restore the surface of the road or public place as nearly as possible to the state that it was in immediately before that work was begun and shall replace or repair any sewer or drain removed or damaged in the course of that work.

(2) Where the reformed company has undertaken work involving breaking up, opening, cutting into, or removal of the surface of a road or public place, or the removal of a sewer or drain, the council concerned may, by notice in writing served on the company within 12 months after the completion of the work, require the reformed company to make any repairs necessary to ensure that that road is level with the adjoining road or, as the case may be, that that sewer or drain is adequately connected to the adjoining sewer or drain.

(3) If the reformed company fails to comply with subsection (1) or with a notice under subsection (2), that company, and every officer of that company in default, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500, and, in the case of a continuing offence, to a further penalty not exceeding \$50 for each day during which the offence continues.

**19**—If the reformed company fails to restore, replace, or repair the surface of a road or public place or a sewer or drain as required by this Part, the council of the municipality concerned may carry out the necessary work, and may, by proceedings brought in a court of competent jurisdiction, recover from that company the reasonable costs of that work as a debt due to the corporation of that municipality.

Power of council of municipality to carry out work and recover costs.

**20**—(1) If the council of a municipality considers it necessary or expedient to alter the location of any gas apparatus, it may, by notice in writing, require the reformed company to carry out the work specified in the notice within such period as may be specified in the notice (being a period of not less than 21 days).

Power of council of municipality to require reformed company to alter gasworks.

(2) Where notice is given to the reformed company in accordance with subsection (1), that company shall, at its own expense and within the period specified in the notice, carry out the work specified in the notice.

(3) If the reformed company fails to comply with subsection (2), the council concerned may carry out the necessary work, and may, by proceedings brought in a court of competent jurisdiction, recover from that company the reasonable costs of that work.

(4) If, in carrying out any work under subsection (3), the council of a municipality damages any gas apparatus, whether negligently or otherwise, that company may, by proceedings brought in a court of competent jurisdiction, recover from the corporation of that municipality the reasonable costs of repairing that damage.

(5) In subsection (4), a reference to bringing proceedings includes a reference to a counter-claim or a set-off in proceedings brought by the corporation of a municipality against the reformed company.

Miscellaneous  
offences.

**21**—(1) A person who—

- (a) connects, or lays a pipe to connect with, any gas apparatus without the consent in writing of the reformed company or of an officer of the reformed company ostensibly authorized to give that consent;
- (b) in relation to a gas appliance on premises located within a municipality, alters the rated heat input of any gas appliance as determined by the manufacturer of the appliance and marked on the appliance by that manufacturer;
- (c) removes, alters, or defaces, or causes or permits the removal, alteration, or defacement of any mark referred to in paragraph (b); or
- (d) without the consent of the reformed company or of an officer of the reformed company so authorized, supplies to any other person gas supplied to him by that company,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

(2) If, in proceedings for an offence against paragraph (b) of subsection (1) brought against the person who is the occupier of premises at which the appliance is located, it is proved that the appliance was marked as referred to in that paragraph when it left the manufacturer's factory, it shall be presumed until the contrary is proved that the removal, alteration, or defacement was caused or permitted by that person.

Offence of  
damaging gas  
apparatus, &c.

**22**—(1) A person who—

- (a) causes damage to any gas apparatus, whether intentionally, recklessly, or negligently;
- (b) wastes or improperly uses any gas supplied by the reformed company;
- (c) modifies or changes the burners of a gas appliance that is connected to the supply pipes of the reformed company without the consent of that company,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.



(2) Where any person—

- (a) causes damage to any gas apparatus, whether intentionally, recklessly, or negligently; or
- (b) modifies or changes the burners of a gas appliance that is connected to the supply pipes of the reformed company without the consent of that company,

that company may, by proceedings brought in a court of competent jurisdiction, recover from that person—

- (c) in a case where that company restores the apparatus or appliance to safe working order—the cost of restoration; or
- (d) in a case where the apparatus or appliance cannot be restored—the cost of replacing the apparatus or appliance.

**23**—Notwithstanding any law or custom to the contrary, where gas apparatus is located on or within the premises of a person, that apparatus is not, without the consent of the reformed company, liable to be seized, sequestered, or attached for the purpose of satisfying any debt or other obligation owed by that person or by the occupier of the premises or any other person.

Gas apparatus not liable to seizure in certain cases.

**24**—(1) In relation to the carrying out of any activity which the reformed company is empowered to carry out under section 16 (1), that company shall ensure that the following are complied with:—

Reformed company to ensure that certain standards are complied with.

- (a) the provisions of the Gas Pipeline Code of the Standards Association of Australia (A.S. 1697-1981) as amended from time to time;
- (b) the provisions of the Gas Cylinders Code of the Standards Association of Australia (A.S. C.B. 4-1969) as amended from time to time;
- (c) the provisions of the Standard Rules for Unfired Pressured Vessels of the Standards Association of Australia (A.S. 1210-1977) as amended from time to time;
- (d) the provisions of the Code for the Use of Liquefied Petroleum Gas in Internal Combustion Engines of the Standards Association of Australia (A.S. 1425-1979) as amended from time to time;

- (e) the provisions of the L.P. Gas Code of the Standards Association of Australia (A.S. 1596-1979) as amended from time to time;
- (f) the provisions of the Installation Code for Gas Burning Appliances and Equipment, issued February 1973, by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association, as amended from time to time;
- (g) the provisions of the Code for the Installation of Cooking, Heating and other Appliances in Marine Craft, issued in April 1971, by the Australian Liquefied Petroleum Gas Association, as amended from time to time;
- (h) the provisions of the code relating to the installation of liquefied petroleum gas equipment and appliances, issued in April 1971, by the Australian Liquefied Petroleum Gas Association, as amended from time to time.

(2) Where the reformed company performs work involving the laying of gas pipes, that company shall ensure that—

- (a) the joining of the gas pipes is carried out with adequate materials; and
- (b) the gas pipes and connecting apparatus are kept gastight.

(3) If the reformed company fails to comply with subsection (1) or (2), the reformed company and every officer of the company in default is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 and, in the case of a continuing offence, to a further penalty not exceeding \$100 for each day during which the offence continues.

Preventing the  
escape of gas.

**25**—(1) Immediately after becoming aware of the escape of gas from any gas apparatus, the reformed company shall—

- (a) cause the quickest and most effective measures to be taken to prevent the gas from escaping; and
- (b) warn all persons who are in, or who are occupants of premises that are in, the vicinity of the place where the gas is escaping of the escape of the gas.

(2) If the reformed company fails to take all practicable measures—

- (a) to stop the escape of gas from any gas apparatus within 24 hours after becoming aware that gas is escaping; or
- (b) to warn persons referred to in subsection (1) (b) of the escape of the gas,

that company and every officer in default is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 and, in the case of a continuing offence, to a further penalty not exceeding \$100 for each day during which the offence continues.

**26**—(1) Where an occupier of premises which are supplied with gas by the reformed company fails to pay for that gas within 1 month after the date on which payment is demanded in writing by that company, the company may, without further notice, terminate the supply of gas to those premises. Power to discontinue supply of gas and remove pipes, &c.

(2) Where the supply of gas to premises is terminated under subsection (1), any employee of the reformed company authorized in that behalf may, if that company has given not less than 24 hours' notice of its intention to do so to the occupier of the premises, enter those premises between 9.00 a.m. and 5.00 p.m. on any day other than a Saturday, Sunday, or public holiday and remove any gas apparatus located on those premises.

(3) In removing any gas apparatus pursuant to subsection (2), the reformed company shall ensure that the premises are left in a reasonable state of repair.

**27**—(1) Subject to subsection (2), a person who obstructs or hinders the reformed company or its employees in exercising any of the powers conferred on that company by this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding \$200. Penalty for obstructing employees of reformed company.

(2) Any officer duly authorized by the council of a municipality may enter premises which are supplied with gas by the reformed company for the purpose of ensuring that the provisions of this Part and orders, regulations, or by-laws in force in the municipality are complied with in relation to any gas apparatus installed at those premises or in relation to the carrying out by the reformed company of any activity which that company is empowered to carry out under this Part.

Liability of  
reformed  
company for  
failure to  
carry out  
duty.

**28**—If any person dies, or sustains bodily injury or the loss of or damage to his property, and the death, injury, loss, or damage is attributable to the failure of the reformed company to perform any duty imposed on it under this Part, that company is liable to pay compensation by way of damages in respect of that death, injury, loss, or damage.

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