

Queensland



# **PETROLEUM AMENDMENT ACT 1993**

**Act No. 35 of 1993**

# Queensland



## PETROLEUM AMENDMENT ACT 1993

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Queensland



## **Petroleum Amendment Act 1993**

**Act No. 35 of 1993**

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**An Act to amend the *Petroleum Act 1923***

*[Assented to 23 July 1993]*

The Parliament of Queensland enacts—

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Petroleum Amendment Act 1993*.

## PART 2—AMENDMENT OF PETROLEUM ACT 1923

### Amended Act

2. The *Petroleum Act 1923* is amended as set out in this Part.

### Amendment of s.3 (Interpretation)

3.(1) Section 3 (definitions “**Declared pipeline**”, “**Minister**”, “**Prescribed**”, “**State Mining Engineer**” and “**This Act**”)—

*omit.*

(2) Section 3—

*insert—*

“**declared pipeline**” means a petroleum product pipeline (within the meaning of section 45F(3)) that is the subject of a regulation made for the purposes of section 45F(1);

“**State mining engineer**” means the officer holding the office of State mining engineer in the department;’.

### Amendment of s.4B (Appointment of pipelines tribunal)

4.(1) Section 4B(1)—

*omit* ‘, on the Minister’s recommendation’.

(2) Section 4B(1)—

*omit* ‘Minister’s opinion’, *insert* ‘Governor in Council’s opinion’.

### **Replacement of s.4G (Governor’s powers following inquiry)**

5. Section 4G—

*omit, insert*—

#### **‘Powers following inquiry**

**‘4G.(1)** If a pipelines tribunal has reported to the Minister in respect of the matter on which it was required to report, the regulations may make provision with respect to the matter by—

- (a) fixing a maximum charge for transporting petroleum by pipeline; or
- (b) prohibiting the imposition by a licensee of a condition relating to the transporting of petroleum by pipeline; or
- (c) determining the throughput entitlements of a person using or wishing to use a pipeline; or
- (d) taking action in respect of a licence or licensee, including amending the conditions of a licence.

**‘(2)** A licensee who contravenes a regulation made for the purposes of subsection (1) commits an offence against this Act.

Maximum penalty—100 penalty units.

#### **‘Adjustment of pipeline charges**

**‘4H.(1)** In this section—

**“adjustable accounting period”** means—

- (a) the first accounting period; or
- (b) if a regulation is made under section 4G fixing a maximum charge for a future accounting period and the charge is declared by the regulation to be an adjustable charge—the period;

**“adjustment figures”** means—

- (a) in relation to the licensee—
  - (i) the actual throughputs of petroleum for each producer; and
  - (ii) the charges imposed by the licensee for each producer’s throughputs; or
- (b) in relation to a producer—
  - (i) the producer’s actual throughputs of petroleum; and
  - (ii) the charges imposed by the licensee for the producer’s throughputs;

**“first accounting period”** means the year starting on 1 August 1991 and ending on 31 July 1992;

**“future accounting period”** means a year starting on 1 August 1993 or 1 August in any later year and ending on 31 July in the next year;

**“licensee”** means the licensee of the Moonie pipeline;

**“Moonie pipeline”** means the Moonie to Brisbane pipeline;

**“Moonie Transportation Agreement”** means the agreement dated 27 April 1984 (as amended) between—

- (a) Santos Limited, Delhi Petroleum Pty Ltd, Vamgas Limited, Claremont Petroleum NL, Oil Company of Australia NL and Ampol Exploration Limited; and
- (b) Moonie Pipeline Company Pty Ltd;

**“Naccowlah Block producers”** means the persons for whom the licensee transports petroleum under the Moonie Transportation Agreement;

**“producer”** means a person for whom the licensee transports petroleum by the Moonie pipeline.

‘(2) Subject to subsection (7), the charges paid by producers (other than the Naccowlah Block producers) to the licensee for the transport of petroleum by the Moonie pipeline for an adjustable accounting period must be adjusted between the licensee and each producer.

‘(3) The adjustment must be calculated in a way determined by the Minister by written notice having regard to the recommendations of pipelines tribunals required under section 4D to inquire into charges

imposed by the licensee for the transport of petroleum by the Moonie pipeline.

‘(4) To facilitate the adjustment for a future accounting period, the licensee and all producers must give the Minister the adjustment figures within 30 days from the end of the period.

‘(5) The Minister must, as soon as practicable after establishing the adjustment figures, calculate the adjustment and give written notice to the licensee and each of the producers (other than the Naccowlah Block producers) of—

- (a) the way the adjustment was calculated; and
- (b) the amount payable by—
  - (i) the licensee to the producer; or
  - (ii) the producer to the licensee.

‘(6) The amount payable under the adjustment is a debt due by—

- (a) the licensee to the producer; or
- (b) the producer to the licensee.

‘(7) An adjustment must not be made under this section between a producer and the licensee for a future accounting period if, after the commencement of this section, the producer and the licensee enter into an agreement in relation to the charges payable for the transport of petroleum by the Moonie pipeline for the period.

‘(8) This section has effect despite—

- (a) any maximum charge fixed under section 4G in relation to the first accounting period; and
- (b) any other Act or law; and
- (c) any agreement entered into before the commencement of this section between the licensee and a producer in relation to the transport of petroleum by the Moonie pipeline during the first or future accounting periods.

‘(9) A notice under subsection (3) is subordinate legislation.’.



**Amendment of s.7A (General authority of corporation sole)**

**6.(1)** Section 7A(2)—

*omit* ‘, by way of Order in Council.’.

**(2)** Section 7A(3)—

*omit* ‘Order in Council’, *insert* ‘approval’.

**Amendment of s.9**

**7.(1)** Section 9(1)—

*omit* ‘Proclamation as hereinafter provided’,

*insert* ‘a regulation made for the purposes of subsection (2)’.

**(2)** Section 9(2)—

*omit, insert*—

‘**(2)** The Governor in Council may, by regulation, declare an area in respect of which a permit or lease under this Act must not be granted.’.

**Amendment of s.40F (Reduction of royalty rate)**

**8.(1).** Section 40F(1)—

*omit* ‘Order in Council’ (wherever occurring), *insert* ‘regulation’.

**(2)** Section 40F(2)—

*omit.*

**Amendment of s.45 (Refineries and pipe-lines)**

**9.(1)** Section 45(2) (1st sentence)—

*omit* ‘Order in Council,’ (wherever occurring), *insert* ‘Gazette notice’.

**(2)** Section 45(3)(aa)—

*omit* ‘Order in Council made under’,

*insert* ‘regulation made for the purposes of’.

**(3)** Section 45(3)(b)—

*omit* ‘Order in Council’, *insert* ‘Gazette notice’.

**Amendment of s.45A (Construction, &c., of pipeline)**

**10.** Section 45A(4)—

*omit* ‘Order in Council’, *insert* ‘Gazette notice’.

**Amendment of s.45B (Acquisition of land for pipeline purposes)**

**11.(1)** Section 45B(3)—

*omit* ‘an Order in Council’, *insert* ‘a Gazette notice’.

**(2)** Section 45B(4)—

*omit* ‘by Order in Council’, *insert* ‘, by Gazette notice,’.

**Amendment of s.45F (Petroleum product pipelines)**

**12.(1)** Section 45F(1) to (2)—

*omit, insert—*

**‘45F.(1)** For the purposes of encouraging, facilitating and regulating the construction of a petroleum product pipeline, the Governor in Council may, by regulation, declare that sections 45(2) to (4) and 45A to 45E apply to a specified petroleum product pipeline (whether it is being constructed or is proposed or contemplated to be constructed).

**‘(2)** The regulation must contain a description of the lands on, over or under which the pipeline is being constructed or proposed or contemplated to be constructed.

**‘(2A)** The sections mentioned in subsection (1) apply, with any necessary modifications, to the petroleum product pipeline as if it were a pipeline within the meaning of section 3.’.

**Amendment of s.54A (Minister's powers concerning petroleum)**

**13.** Section 54A—

*omit* 'Order in Council', *insert* 'regulation'.

**Amendment of s.63A (Penalties)**

**14.(1)** Section 63A(1)—

*omit* '\$10 000', *insert* '200 penalty units'.

**(2)** Section 63A(1)—

*omit* '\$2 000', *insert* '40 penalty units'.

**Replacement of s.65 (Regulations)**

**15.** Section 65—

*omit, insert*—

**'Regulations**

**'65.(1)** The Governor in Council may make regulations for the purposes of this Act.

**'(2)** A regulation may be made with respect to any of the following matters—

- (a) the storage and use of explosives in relation to the exploration for, and production of, petroleum;
- (b) the payment of fees under this Act and the way and purpose of their payment.

**'(3)** A regulation may be made—

- (a) creating offences against the regulation; and
- (b) fixing a maximum penalty of 10 penalty units for an offence against the regulation.'

**Replacement of s.66 (Repeals)**

**16.** Section 66—

*omit, insert—*

### **‘Pipeline charges**

**‘66.(1)** This section does not apply to petroleum transported under the Moonie Transportation Agreement within the meaning of section 4H.

**‘(2)** The maximum charge payable to the licensee of the Moonie to Brisbane pipeline for the transport of petroleum by the pipeline during the period starting on 1 August 1992 and ending on 31 July 1993 is—

- (a) if the petroleum is transported to the Moonie terminal by the Jackson to Moonie pipeline—\$2.10 per barrel; or
- (b) if the petroleum is transported to the Moonie terminal in another way—\$2.95 per barrel.

### **‘Existing statutory rules**

**‘67.(1)** A statutory rule in force under section 4G, 9, 40F, 45F or 54A immediately before the commencement of this section continues to have effect after the commencement, and may be amended or repealed, as if it were a regulation.

**‘(2)** An order in council in force under section 45A or 45B immediately before the commencement of this section continues to have effect after the commencement, and may be amended or repealed, as if it were a Gazette notice.

**‘(3)** A regulation in force under this Act immediately before the commencement of this section continues to have effect after the commencement.’.

## **PART 3—REPEALS**

### **Repeal of Act**

- 17.** The *Petroleum Act Amendment Act 1981* is repealed.

**Repeal of order**

**18.** The *Petroleum (Pipeline Charges) Order 1992* is repealed.