

Queensland



**PETROLEUM AMENDMENT
ACT (No. 2) 1996**

Act No. 77 of 1996

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1996**

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Petroleum Amendment Act (No. 2) 1996

Act No. 77 of 1996

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

[Assented to 12 December 1996]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Petroleum Amendment Act (No. 2) 1996*.

Act amended

2. This Act amends the *Petroleum Act 1923*.

Amendment of s 2 (Interpretation)

3. Section 2, definition “**facility**”, paragraph (c)—

omit, insert—

‘(c) a proposed pipeline for which—

- (i) an application for a pipeline licence has been made; or
- (ii) access principles have been approved; or’.

Amendment of s 69 (Pipeline licences)

- 4.(1) Section 69(1), after ‘operate’—

insert—

‘, or operate,’.

- (2) Section 69(2)—

omit, insert—

‘(2) The Minister may grant the licence only if—

- (a) the Minister approves access principles for the pipeline—
 - (i) under part 8; or
 - (ii) in terms of an agreement mentioned in section 70A; or
- (b) a regulation declares paragraph (a) does not apply to the pipeline.’.

Insertion of new s 70A

5. After section 70—

insert—

‘Decisions relating to the grant of pipeline licences after a competitive selection process

‘70A.(1) This section applies to a proposed pipeline, other than a pipeline that is proposed to be part of a petroleum gathering system under a unitisation arrangement, prescribed under a regulation.

‘(2) If, for the prescribed pipeline, the Minister is satisfied a competitive selection process has been completed for the grant of a pipeline licence, the Minister may agree with an applicant for the licence about—

- (a) the access principles to be approved for the pipeline; or
- (b) the conditions to be stated in the licence; or
- (c) other matters under the Act relating to the pipeline.

‘(3) If the Minister does agree—

- (a) the Minister may—
 - (i) approve access principles in terms of the agreement; or
 - (ii) grant to the applicant a licence on conditions in terms of the agreement; or
 - (iii) make another decision for the pipeline under this Act in terms of the agreement; and
- (b) the Governor in Council may—
 - (i) approve the grant of the licence by the Minister in terms of the agreement; or
 - (ii) make another decision for the pipeline under this Act in terms of the agreement.

‘(4) Subsection (3) applies despite any other provision of this Act.

‘(5) Subsection (4) does not authorise an act or omission that would otherwise be an offence against this Act other than to the extent that the agreement may provide in relation to a requirement under this Act that anything be provided to, or obtained from, the Minister.’.

Insertion of new ss 151 and 152

6. After section 150—

insert—

‘Declaration about certain facilities

‘151.(1) This section applies to a facility mentioned in the documents entitled pipeline licence no. 24 or pipeline licence no. 30 (the **“facility”** and the **“licence”**).

‘(2) The decisions mentioned in subsection (3) made before the commencement of this section are valid, final and conclusive, cannot be challenged, and are not subject to a writ or order of any court, tribunal, authority or person on any ground.

‘(3) The decisions are—

- (a) the Minister’s decision to approve, or decide, the access principles for the facility; or
- (b) the Governor in Council’s decision to approve the grant of the licence; or
- (c) the Minister’s decision to grant the licence; or
- (d) another decision for the purposes of the agreement.

‘(4) Subsection (2) applies whether a decision was made in terms of the agreement or under this Act or otherwise.

‘(5) For a decision mentioned in subsection (3)(d) made after the commencement of this section, the agreement is taken to have been made under section 70A.

‘(6) For subsection (5), the Minister is declared to have been satisfied a competitive selection process has been completed for the grant of the licence for the pipeline.

‘(7) This section expires 5 years after it commences.

‘(8) The *Acts Interpretation Act 1954*, section 20A applies to this section.

‘(9) In this section—

“agreement” means the agreement or agreements, made before the commencement of this section, between any Minister who is or was administering this Act and anyone else in relation to the facility.

“**challenged**” includes appealed against, reviewed, quashed, set aside, or called into question in any other way by any court, tribunal, authority or person.

‘Declaration about the Ballera to Mount Isa pipeline

‘**152.(1)** Section 70A applies to the pipeline proposed to be constructed between the Ballera Gas Centre in South West Queensland and a point in the vicinity of Mount Isa.

‘**(2)** Any agreement made, before or after the commencement of this section, between the Minister and anyone else about matters under the Act relating to the pipeline is taken to be an agreement under section 70A(2).

‘**(3)** For subsection (2), the Minister is declared to have been satisfied a competitive selection process has been completed for the grant of the licence for the pipeline.

‘**(4)** This section expires 5 years after it commences.

‘**(5)** The *Acts Interpretation Act 1954*, section 20A applies to this section.’.