

Queensland



**PETROLEUM AND GAS
LEGISLATION
AMENDMENT BILL 1997**

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1997

A BILL

FOR

***An Act to amend the Petroleum Act 1923, the Petroleum (Submerged
Lands) Act 1982 and the Gas Act 1965***

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Petroleum and Gas Legislation Amendment Act 1997*.

4

5

PART 2—AMENDMENT OF THE PETROLEUM ACT 1923

6

7

Act amended in pt 2

8

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

9

Amendment of title

10

Clause **3.** Title, after ‘State’—

11

omit, insert—

12

‘and the conveying of petroleum and natural gas, wherever recovered’.

13

Amendment of s 2 (Interpretation)

14

Clause **4.(1)** Section 2, definitions “**access principles**”, “**indicative tariff schedule**” and “**tariff setting principles**”—

15

16

omit.

17

(2) Section 2—

18

insert—

19

‘ “**access principles**”, for a facility, means—

20

Petroleum and Gas Legislation Amendment

- (a) the principles for access to the facility— 1
 - (i) approved under section 70A(3)(a)(i) or 112(2); or 2
 - (ii) decided under sections 109(3) or 110(3); or 3
- (b) if the access principles have been— 4
 - (i) reviewed under section 113—the new access principles 5
approved under section 112(2) or decided under 6
section 113(3); or 7
 - (ii) amended under part 8, division 3A—the amended access 8
principles approved under section 114A or 114B. 9

“indicative tariff”, for a facility, means the basic tariff for the facility.’. 10

(3) Section 2, definition **“facility”**, paragraph (c)(ii)— 11

omit, insert— 12

‘(ii) there are access principles; or’. 13

(4) Section 2, definition **“pipeline”**, from ‘means’ to ‘conveying 14
petroleum’— 15

omit, insert— 16

‘means the whole or part of a pipe or a system of pipes for conveying 17
petroleum, wherever recovered.’. 18

Insertion of new s 7A 19

Clause **5.** Part 1, after section 7— 20

insert— 21

‘Act applies out to coastal waters of the State 22

‘7A. This Act applies to land and land covered by water that is seaward 23
of the coastline of the State at mean low water and landward of the inner 24
limit of the territorial sea of Australia.’. 25

**Amendment of s 70A (Decisions relating to the grant of pipeline 26
licences after a competitive selection process)** 27

Clause **6.(1)** Section 70A, heading— 28

Petroleum and Gas Legislation Amendment

omit, insert— 1

‘Powers that may be exercised after competitive selection process’. 2

(2) Section 70A(2)(c)— 3

omit, insert— 4

‘(c) other matters relating to the pipeline under this Act or another Act
about access to pipelines.’. 5
6

(3) Section 70A(3)(a)(iii) after ‘under this Act’— 7

insert— 8

‘or another Act about access to pipelines’.

 9

Amendment of s 104 (Application of part to pipelines) 10

Clause **7.(1)** Section 104(2) to (4)— 11

renumber as section 104(3) to (5). 12

(2) Section 104— 13

insert— 14

‘**(2)** If a pipeline stops being the subject of a regulation under
subsection (1), this part applies to the pipeline.¹’. 15
16

(3) Section 104— 17

insert— 18

‘**(6)** A declaration under subsection (1) may only be terminated if the
Minister considers that the Minister could not have any opinion mentioned
in subsection (5)(a) or (b) about the pipeline.’. 19
20
21

Amendment of s 109 (Access principles for existing pipelines) 22

Clause **8.** Section 109, words before subsection (3)— 23

omit, insert— 24

¹ See section 109 (Access principles for existing or previously exempted pipelines).

	‘Access principles for existing or previously exempted pipelines’.	1
	‘109.(1) This section applies to a pipeline if—	2
	(a) the pipeline was in existence before the commencement of this section, unless a regulation under section 104(1) ² declared this part does not apply to the pipeline; or	3 4 5
	(b) a regulation under section 104(1) declared this part does not apply to the pipeline and the declaration is terminated.’.	6 7
	Replacement of s 112 (Approval of access principles)	8
Clause	9. Section 112—	9
	<i>omit, insert—</i>	10
	‘Access principles—approving or deciding	11
	‘112.(1) This section applies if—	12
	(a) a provision of this Act requires proposed access principles or proposed new access principles for a facility to be given to the Minister; or	13 14 15
	(b) the Minister has approved access principles for a prescribed pipeline in terms of an agreement under section 70A ³ and the facility owner must give proposed new access principles to the Minister under section 113(2); or	16 17 18 19
	(c) the Minister must decide the access principles for a facility under section 109(3), 110(3) or 113(3). ⁴	20 21
	‘(2) The Minister may approve the proposed access principles or proposed new access principles for the facility or the pipeline (the “facility”).	22 23 24
	<i>Examples of matters access principles may provide for—</i>	25
	• principles for the setting of any indicative tariff	26

² Section 104 (Application of part to pipelines)

³ Section 70A (Powers that may be exercised after competitive selection process)

⁴ Section 109 (Access principles for existing or previously exempted pipelines)
Section 110 (Access principles for associated facilities)
Section 113 (Review of access principles)

Petroleum and Gas Legislation Amendment

- indicative access conditions 1
- an indicative tariff. 2

‘(3) Before giving an approval or making a decision, the Minister must consider the following— 3
4

- (a) the objects of this part; 5
- (b) the legitimate business interests of the facility owner; 6
- (c) the legitimate business interests of existing facility users and possible future facility users; 7
8
- (d) fair and efficient market conduct with respect to tariff arrangements and access conditions for the facility; 9
10
- (e) the operational and technical requirements for the facility’s safe and reliable operation; 11
12
- (f) amounts invested in constructing and operating the facility; 13
- (g) the reliability of the service offered; 14
- (h) the cost to the facility owner of providing access, but not costs associated with losses from increased competition in upstream and downstream markets; 15
16
17
- (i) contractual obligations of the facility owner and facility users; 18
- (j) efficiency and economy in the facility’s construction, operation and use; 19
20
- (k) any additional investment in the facility by someone other than the facility owner. 21
22

‘(4) The Minister may approve or decide an indicative tariff for the facility only if— 23
24

- (a) it is consistent with any principles for setting the tariff; and 25
- (b) in the Minister’s reasonable opinion, it gives a proposed facility user of the facility a reasonable amount of information about— 26
27
 - (i) the charging arrangements for the facility stated in the tariff; 28
and 29
 - (ii) to the extent the charging arrangements for the facility are not stated—the methodology by which the charging 30
31

Petroleum and Gas Legislation Amendment

arrangements are to be decided. 1

‘(5) An indicative tariff that includes a methodology by which charging 2
arrangements are to be decided must also set out when, and the 3
circumstances in which, the charging arrangements are to come into effect. 4

‘(6) The deciding or coming into effect of charging arrangements by a 5
methodology stated in the indicative tariff is not a review event or an 6
amendment of the access principles. 7

‘(7) The Minister may, by written notice, ask a facility owner to give to 8
the Minister, within a stated reasonable time, stated reasonable information 9
necessary to enable the Minister to properly consider the proposed access 10
principles or proposed new access principles. 11

‘(8) The facility owner must comply with the request, unless the person 12
has a reasonable excuse for not complying. 13

Maximum penalty—300 penalty units. 14

‘(9) It is a reasonable excuse for subsection (8) that giving the 15
information may tend to incriminate the person. 16

‘(10) The Minister must notify the access principles by gazette notice.’. 17

Insertion of new pt 8, div 3A 18

Clause 10. Before part 8, division 4— 19

insert— 20

‘Division 3A—Amendment of access principles 21

‘Subdivision 1—Minor amendments 22

‘Approval of minor amendment 23

‘114A.(1) On the application of the owner of a facility, the Minister may 24
approve a minor amendment of the access principles for the facility. 25

‘(2) An amendment is minor only if the Minister considers it does not 26
adversely affect in a material way the facility owner or any user or proposed 27
user of the facility. 28

‘(3) The Minister must notify the approval by gazette notice.	1
‘(4) A minor amendment takes effect on the later of the following—	2
(a) the day the notification is gazetted;	3
(b) the day stated in the notice.	4
‘ <i>Subdivision 2—Amendments for addition to route of pipeline</i>	5
‘ Application of access principles to extended pipeline	6
‘ 114B.(1) This section applies if—	7
(a) the licensee of a pipeline (the “ existing pipeline ”) applies to the	8
Minister to amend the licence to add to the route of the pipeline;	9
and	10
(b) there are access principles for the pipeline; and	11
(c) the owner of the pipeline has not made a request under	12
section 125(2). ⁵	13
‘(2) On the application of the owner, the Minister may approve the	14
application of the access principles, with or without amendment, to the	15
extended pipeline.	16
‘(3) However, the Minister may only approve the application of the	17
access principles—	18
(a) if the Minister has considered the things mentioned in	19
section 112(3)(a) to (k) that, in the Minister’s opinion, are	20
relevant to the extended pipeline; and	21
(b) for an approval of the application of the access principles with an	22
amendment, if the Minister—	23
(i) is of the opinion that the amendment is only of a minor	24
nature to the extent that it applies to the existing pipeline; and	25
(ii) has complied with section 112(4) and (5) for any	26
amendment of an indicative tariff to apply to the extended	27
pipeline.	28

⁵ Section 125 (Development of facility capacity)

Petroleum and Gas Legislation Amendment

‘(4) An approval takes effect if the licence is amended to add the addition to the route of the pipeline.	1 2
‘(5) On an approval taking effect—	3
(a) if the Minister has approved the application of the access principles with an amendment—the amended access principles are approved for the extended pipeline; and	4 5 6
(b) the Minister must notify the approval by gazette notice.	7
‘(6) In this section—	8
“ extended pipeline ” means the existing pipeline and the addition to the route of the pipeline.	9 10
‘Effect of approval on access agreements	11
‘ 114C.(1) This section applies if an access agreement is inconsistent with amended access principles for a pipeline that have been approved under section 114B(5)(a).	12 13 14
‘(2) The parties to the agreement must, within 6 months from when notice of the approval of the application of the access principles with an amendment is gazetted, amend the agreement to remove the inconsistency, unless the Minister otherwise approves.	15 16 17 18
Maximum penalty—500 penalty units.’.	19
Amendment of s 123 (Restrictions on access agreements)	20
Clause 11.(1) Section 123(2)(a), after ‘the facility’—	21
<i>insert—</i>	22
‘, unless the Minister otherwise approves’.	23
(2) Section 123(3) ‘new access principles’—	24
<i>omit, insert—</i>	25
‘new or amended access principles’.	26
(3) Section 123(5)—	27
<i>omit.</i>	28

	Amendment of s 129 (What is an access dispute)	1
Clause	12. Section 129(1)(c), ‘new access principles’—	2
	<i>omit, insert—</i>	3
	‘new or amended access principles’.	4
	Insertion of new s 153	5
Clause	13. After section 152—	6
	<i>insert—</i>	7
	‘Papua New Guinea to Queensland pipeline	8
	‘153.(1) This section applies to the following parts (the “parts”) of the PNG to Queensland pipeline—	9
	(a) the parts in the State;	10
	(b) the parts seaward of the coastline of the State at mean low water and landward of the inner limit of the territorial sea of Australia.	11
	‘(2) The parts are taken to be a proposed pipeline prescribed under a regulation under section 70A(1). ⁶	12
	‘(3) Section 70A(2) applies to the parts whether or not the competitive selection process—	13
	(a) happened before the commencement of this section; or	14
	(b) started before the commencement and finishes after the commencement.	15
	‘(4) It is declared that for section 70A(2), the PNG–Queensland gas project selection process is taken to be a competitive selection process for the grant of a pipeline licence, unless, before the grant of the licence, the Minister declares the process is not competitive.	16
	‘(5) Subsection (4) applies to things done as part of the process before or after the commencement.	17
	‘(6) This section expires 5 years after it commences.	18
		19
		20
		21
		22
		23
		24
		25
		26
		27

⁶ Section 70A (Powers that may be exercised after competitive selection process)

- ‘(7) The *Acts Interpretation Act 1954*, section 20A⁷ applies to this section. 1
2
- ‘(8) In this section— 3
- “PNG–Queensland gas project selection process” means the process to 4
select builders and operators of, and persons to take an interest in, the 5
PNG to Queensland pipeline for the project called the ‘Papua New 6
Guinea–Queensland Gas Project’. 7
- “PNG to Queensland pipeline” means the whole or part of— 8
- (a) the natural gas pipeline, proposed before the commencement, to 9
be constructed from near Kutubu in Papua New Guinea to a point 10
in the vicinity of Gladstone under the project called the ‘Papua 11
New Guinea–Queensland Gas Project’; and 12
- (b) any branch line of the pipeline approved by the Minister.’. 13

PART 3—AMENDMENT OF THE PETROLEUM 14 (SUBMERGED LANDS) ACT 1982 15

Act amended in pt 3 16

Clause 14. This part amends the *Petroleum (Submerged Lands) Act 1982*. 17

Amendment of title 18

Clause 15. Title, ‘certain other resources, of’— 19

omit, insert— 20

‘certain other resources of, and to conveying petroleum resources 21
(wherever recovered) across.’. 22

⁷ *Acts Interpretation Act 1954*, section 20A (Saving of operation of repealed Act etc.)

	Amendment of s 4 (Interpretations)	1
Clause	16.(1) Section 4(1), definition “ petroleum ”, ‘in the adjacent area’—	2
	<i>omit.</i>	3
	(2) Section 4(1), definition “ pipeline ”—	4
	<i>omit, insert—</i>	5
	‘ “pipeline” means the whole or part of a pipe or a system of pipes in the adjacent area for conveying petroleum, whether the petroleum is petroleum recovered from the adjacent area or not, but does not include a pipe or system of pipes—	6
	adjacent area for conveying petroleum, whether the petroleum is	7
	petroleum recovered from the adjacent area or not, but does not include	8
	a pipe or system of pipes—	9
	(a) for returning petroleum to a natural reservoir; or	10
	(b) for conveying petroleum for use for the purposes of petroleum	11
	exploration operations or operations for the recovery of	12
	petroleum; or	13
	(c) for conveying petroleum that is to be flared or vented; or	14
	(d) for conveying petroleum from a well, wherever located, to a	15
	terminal station in the adjacent area without passing through	16
	another terminal station.’.	17
	 Replacement of s 5 (Construction of Act)	18
Clause	17. Section 5—	19
	<i>omit, insert—</i>	20
	‘Effect of territorial sea baseline changes on pipeline licence	21
	‘5.(1) This section applies if—	22
	(a) a pipeline licence has been granted under this Act on the basis that	23
	an area is within the adjacent area; and	24
	(b) the territorial sea baseline is changed, or because new data is	25
	obtained or existing data is reconsidered, the location of the	26
	baseline is reassessed; and	27
	(c) because of the change or reassessment, the area—	28
	(i) is no longer within the adjacent area; and	29

Petroleum and Gas Legislation Amendment

(ii) falls within an “adjacent area” as defined under section 5⁸ of the Commonwealth Act. 1
2

‘(2) While the pipeline licence is in force, this Act applies to the area so far as the pipeline licence is concerned as if the area were within the adjacent area.’⁹ 3
4
5

‘(3) In subsection (1)— 6

“territorial sea baseline” has the meaning given under the *Seas and Submerged Lands Act 1973* (Cwlth) by proclamation in Gazette No. S29 (Cwlth) of 9 February 1983 at pages 2 to 14.’ 7
8
9

Amendment of s 14 (Application of laws in area adjacent to State) 10

Clause **18.(1)** Section 14(1), after ‘adjacent area’— 11

insert— 12

‘as if the adjacent area were part of the State’. 13

(2) Section 14(2), words after ‘touching,’— 14

omit, insert— 15

‘concerning, arising out of or connected with— 16

(a) exploring the sea-bed or subsoil of the adjacent area for petroleum, and exploiting the natural resources consisting of petroleum of the sea-bed or subsoil; or 17
18
19

(b) conveying petroleum, wherever recovered, across the adjacent area.’ 20
21

Amendment of s 64 (Application for pipeline licence) 22

Clause **19.(1)** Section 64(1), after ‘pipeline licence’— 23

insert— 24

⁸ The Commonwealth Act, section 5 (Interpretation)

⁹ Under the Commonwealth Act, section 5AAA(3) (Effect of changes in the baseline of Australia’s territorial sea on pipeline licences), the Commonwealth Act does not apply to the area after the change or reassessment.

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‘, whether or not the pipeline is to convey petroleum recovered from an area within the adjacent area’.

(2) Section 64(2)(a)—

omit, insert—

‘(a) of an application for a pipeline licence to construct and operate a pipeline to convey petroleum recovered in a petroleum licence area by a person other than by the holder of the production licence for petroleum in the area (the “**licensee**”); or’.

(3) Section 64(4), ‘under this section’—

omit, insert—

‘under subsection (1)’.

Amendment of s 65 (Grant or refusal of pipeline licence)

Clause 20. Section 65(1)(b)—

omit, insert—

‘(b) may, if the application is—

(i) for a pipeline licence to construct and operate in the adjacent area a pipeline to convey petroleum recovered from outside the adjacent area and has not been rejected under section 64(3); or

(ii) by any other person and has not been rejected under section 64(3);’.

Insertion of new s 151A

Clause 21. Part 4, before section 152—

insert—

‘Papua New Guinea to Queensland pipeline

‘**151A.(1)** This section applies to the parts (the “**parts**”) of the PNG to Queensland pipeline in the adjacent area.

Petroleum and Gas Legislation Amendment

- ‘(2) The parts are taken to be a proposed pipeline prescribed under a regulation under the *Petroleum Act 1923*, section 70A(1).¹⁰ 1
2
- ‘(3) Despite section 14(3),¹¹ the *Petroleum Act 1923*, sections 2, 4 to 6, 69(2), 70, 70A and part 8 apply to— 3
4
- (a) the parts as if they were a pipeline under the *Petroleum Act 1923*; 5
and 6
- (b) the granting of a pipeline licence for the parts under this Act as if 7
the licence were a pipeline licence to be granted under the 8
Petroleum Act 1923. 9
- ‘(4) The *Petroleum Act 1923*, section 70A(2) applies to the parts whether 10
or not the competitive selection process— 11
- (a) happened before the commencement of this section; or 12
- (b) started before the commencement and finishes after the 13
commencement. 14
- ‘(5) It is declared that for the application of the *Petroleum Act 1923*, 15
section 70A(2), the PNG–Queensland gas project selection process is taken 16
to be a competitive selection process for the grant of a pipeline licence, 17
unless, before the grant of the licence, the Minister declares the process is 18
not competitive. 19
- ‘(6) Subsection (5) applies to things done as part of the process before or 20
after the commencement. 21
- ‘(7) This section expires 5 years after it commences. 22
- ‘(8) The *Acts Interpretation Act 1954*, section 20A¹² applies to this 23
section. 24
- ‘(9) In this section— 25
- “PNG–Queensland gas project selection process”** means the process to 26
select builders and operators of, and persons to take an interest in, the 27

¹⁰ The *Petroleum Act 1923*, section 70A (Powers that may be exercised after competitive selection process)

¹¹ Section 14 (Application of laws in area adjacent to State)

¹² *Acts Interpretation Act 1954*, section 20A (Saving of operation of repealed Act etc.)

PNG to Queensland pipeline for the project called the ‘Papua New Guinea–Queensland Gas Project’. 1
2

“PNG to Queensland pipeline” means the whole or part of— 3

(a) the natural gas pipeline, proposed before the commencement, to 4
be constructed from near Kutubu in Papua New Guinea to a point 5
in the vicinity of Gladstone under the project called the ‘Papua 6
New Guinea–Queensland Gas Project’; and 7

(b) any branch line of the pipeline approved by the Minister.’. 8

PART 4—AMENDMENT OF THE GAS ACT 1965 9

Act amended in pt 4 10

Clause **22.** This part amends the *Gas Act 1965*. 11

Insertion of new s 5A 12

Clause **23.** Part 1, after section 5— 13

insert— 14

‘Meaning of “supply charge” 15

‘5A.(1) A **“supply charge”** means— 16

(a) a charge or tariff for a supply of fuel gas given to a consumer’s 17
premises; or 18

(b) a fee or charge— 19

(i) that is incidental to the supply; or 20

Examples— 21

- An account opening fee for the supply 22

- A fee for a special reading of a consumer’s meter if the 23

consumer asked for the reading and the supplier of the fuel gas 24

was not obliged to perform the reading under this Act. 25

Petroleum and Gas Legislation Amendment

- | | | |
|--|---|-------------|
| | (ii) for discontinuing the supply or removing meters and fittings from the premises under section 29B; ¹³ or | 1
2 |
| | (iii) if the supply is discontinued under section 29B—for reconnecting supply or meters and fittings; or | 3
4 |
| | (iv) if supply to a consumer’s premises is disconnected at the consumer’s request and, within 1 year, reconnected at the consumer’s request—for the reconnection. | 5
6
7 |

‘(2) Also, if the supplier demands payment of a charge, fee or tariff under subsection (1) and the consumer fails to pay, **“supply charge”** includes a fee or charge, wholly or partly, for a cost or liability incurred by the supplier—

- | | | |
|--|---|--------------------------|
| | (a) because of the failure to pay; or | 8
9
10
11
12 |
| | (b) for recovering or collecting, or attempting to recover or collect, the charge, fee or tariff. | 13
14 |

Examples— 15

- A fee for a dishonoured cheque given to the supplier in purported payment of the charge, fee or tariff 16
17
- A fee or charge for an agent or employee of the supplier engaged to recover the charge, fee or tariff.’. 18
19

Amendment of s 28 (Duty of fuel gas supplier to supply consumers) 20

Clause	24. Section 28(1), ‘Upon being required so to do’—	21
	<i>omit, insert—</i>	22
	‘Within a reasonable time of being asked under section 29’.	23

Replacement of ss 29 and 29A 24

Clause	25.(1) Sections 29 and 29A—	25
	<i>omit, insert—</i>	26

¹³ Section 29B (Discontinuance of supply)

‘Request for fuel gas supply

1

‘29.(1) A consumer who owns or occupies premises and wishes to be given a supply of fuel gas for the premises may ask the supplier mentioned in section 28(1) for the supply.

2

3

4

‘(2) However, a request under subsection (1) may only be made in a way approved by the supplier.

5

6

‘Consumer’s liability for supply charges

7

‘29A.(1) This section applies if, before or after this section commenced—

8

9

(a) a consumer who owns or occupies premises has asked, or given notice to, a fuel gas supplier to give a supply of fuel gas for the premises; and

10

11

12

(b) the supply was given or is being given.

13

‘(2) The consumer must pay the supplier for all supply charges for the supply—

14

15

(a) if the supplier has contracted with the consumer to give the supply under schedule 1, section 11¹⁴—under the contract; or

16

17

(b) if the supplier has not contracted with the consumer to give the supply under schedule 1, section 11, under the supplier’s standard conditions at the time of the supply that apply to—

18

19

20

(i) consumers of the same type as the consumer; and

21

(ii) premises of the same type as the premises.

22

‘(3) However, for supply given before the commencement—

23

(a) the consumer is only liable for supply charges for the supply if the supply was given within 6 years before the commencement; and

24

25

26

(b) the consumer is only liable for an incidental supply charge if the supplier demanded payment before the commencement.

27

28

¹⁴ Schedule 1, section 11 (Power to contract for supply of gas)

Petroleum and Gas Legislation Amendment

‘(4) The contract or standard conditions are subject to a regulation under section 10B or 51 so far as supply charges are concerned.¹⁵ 1
2

‘(5) Also, if a regulation under schedule 2, section 11¹⁶ requires the amount of a supply charge to be approved, the supply charge must not be more than the approved amount. 3
4
5

‘(6) In subsection (3)(b)— 6
“incidental supply charge” means a supply charge under section 5A(1)(b) or (2).¹⁷. 7
8

‘Security for supply or supply charges’ 9

‘**29AA.(1)** This section applies if, before or after this section commenced, a consumer who owns or occupies premises has asked, or given notice to, a fuel gas supplier to give a supply of fuel gas for the premises. 10
11
12
13

‘(2) If the supplier needs to extend a main to give the supply, the supplier may require the consumer to agree in writing to accept the supply for at least 1 year from when the supply begins. 14
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16

‘(3) The supplier may require the consumer to give the supplier a security deposit for supply charges to the premises in a way and for an amount that is reasonable. 17
18
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‘(4) However, if a regulation requires approval of the way in which the security deposit is to be given, the supplier may only require the security deposit to be given in an approved way. 20
21
22

‘(5) Also, if a regulation requires the amount of the security deposit to be approved, the amount of the security deposit must not be more than the approved amount. 23
24
25

¹⁵ Section 10B (Fees payable in all cases)
Section 51 (Fixing of prices and charges). No regulations were made under section 10B or 51 before the commencement.

¹⁶ Schedule 2 (Purposes for which regulations may be made).

¹⁷ Section 5A (Meaning of “supply charge”)

Petroleum and Gas Legislation Amendment

‘(6) The duty to supply fuel gas to the premises under section 28¹⁸ does not apply to the supplier while the consumer fails to comply with a requirement of the supplier under this section. 1
2
3

‘(7) In this section— 4
“security deposit” includes an advance payment.’. 5

Omission of s 43 (Allocation of fuel gas resources) 6

Clause 26. Section 43— 7
omit. 8

Amendment of sch 2, s 11 (Power to contract for supply of gas) 9

Clause 27. Schedule 2, section 11— 10
insert— 11

‘(2) The holder’s duty under section 28¹⁹ of the body of the Act to supply the local government, authority or person is subject to the conditions. 12
13
14

Examples of things a condition may be about— 15

- Supply charges or other charges that must paid to the supplier 16
- When the charges must be paid 17
- The making of an agreement or the giving of a security deposit under section 29AA(2) or (3)²⁰ of the body of the Act.’. 18
19

Amendment of sch 4 (Purposes for which regulations may be made) 20

Clause 28. Schedule 4, section 11, ‘fixing and variation of prices for gas, the fixing of’— 21
omit, insert— 22
‘approval of any supply charges or’. 23
24

¹⁸ Section 28 (Duty of fuel gas supplier to supply consumers)

¹⁹ Section 28 of the body of the Act (Duty of fuel gas supplier to supply consumers)

²⁰ Section 29AA of the body of the Act (Security for supply or supply charges)

SCHEDULE	1
MINOR AMENDMENTS	2
section 1	3
PETROLEUM ACT 1923	4
1. Section 2, heading—	5
<i>omit, insert—</i>	6
‘Definitions’.	7
2. Sections 69(2)(a) and 70A(2)(a) and (3)(a)(i), ‘access principles’—	8
<i>omit, insert—</i>	9
‘proposed access principles’.	10
3. Section 71(b), ‘approved’—	11
<i>omit.</i>	12
4. Section 108, heading, ‘Access’—	13
<i>omit, insert—</i>	14
‘Proposed access’.	15
5. Section 109(3) and (4)—	16
<i>renumber as section 109(2) and (3).</i>	17
6. Section 113(3) to (6)—	18
<i>omit.</i>	19

SCHEDULE (continued)

7. Section 113(7) to (9)—	1
<i>renumber</i> as section 113(3) to (5).	2
8. Section 114, heading—	3
<i>omit, insert—</i>	4
‘ Effect of access principles on agreements ’.	5
9. Section 149, words before subsection (2)(a)—	6
<i>omit, insert—</i>	7
‘ Regulation-making power	8
‘ 149.(1) The Governor in Council may make regulations under this Act.	9
‘(2) A regulation may provide for the following—’.	10
 PETROLEUM (SUBMERGED LANDS) ACT 1982	11
 1. Section 1(2) and (3)—	12
<i>omit.</i>	13
 2. Section 2—	14
<i>omit.</i>	15
 3. Section 4, heading—	16
<i>omit, insert—</i>	17
‘ Definitions ’.	18

SCHEDULE (continued)

9. Schedule 3, heading—	1
<i>omit, insert—</i>	2
‘SCHEDULE 2	3
‘AREA THAT INCLUDES THE ADJACENT AREA	4
section 4(1)’.	5
10. Schedules 4 and 5—	6
<i>omit.</i>	7
GAS ACT 1965	8
1. Section 4—	9
<i>omit.</i>	10
2. Section 5, heading—	11
<i>omit, insert—</i>	12
‘Definitions’.	13
3. Section 5—	14
<i>insert—</i>	15
“supply charge” see section 5A.	16

SCHEDULE (continued)

4. Sections 20, 60A(2) and 63(1A) ‘schedule 2’—	1
<i>omit, insert—</i>	2
‘schedule 1’.	3
5. Section 20(3) ‘Schedule 2’—	4
<i>omit, insert—</i>	5
‘Schedule 1’.	6
6. Section 29B(2), ‘subsection (4)’—	7
<i>omit, insert—</i>	8
‘subsection (1)’.	9
7. Section 29C, ‘the provisions of this section’—	10
<i>omit, insert—</i>	11
‘sections 29 to 29B’.	12
8. Section 29C, ‘subsection (4)’—	13
<i>omit, insert—</i>	14
‘section 29B(1)’.	15
9. Section 64, heading—	16
<i>omit, insert—</i>	17
‘Regulation-making power’.	18

SCHEDULE (continued)

10. Section 64(2), ‘schedule 4’—	1
<i>omit, insert—</i>	2
‘schedule 2’.	3
11. Part 9, heading—	4
<i>omit.</i>	5
12. Schedule 2—	6
<i>renumber</i> as schedule 1.	7
13. Schedule 4—	8
<i>renumber</i> as schedule 2.	9