

(Reprint No. 2)

SOUTH AUSTRALIA

**PIPELINES AUTHORITY ACT 1967**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 June 1995.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

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# PIPELINES AUTHORITY ACT 1967

being

Natural Gas Pipelines Authority Act 1967 No. 3 of 1967  
[Assented to 23 March 1967]<sup>1</sup>

as amended by

Natural Gas Pipelines Authority Act Amendment Act 1974 No. 125 of 1974 [Assented to 12 December 1974]<sup>2</sup>  
Pipelines Authority Act Amendment Act 1977 No. 16 of 1977 [Assented to 5 May 1977]  
Pipelines Authority Act Amendment Act 1978 No. 114 of 1978 [Assented to 7 December 1978]  
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Pipelines Authority Act Amendment Act 1983 No. 91 of 1983 [Assented to 8 December 1983]  
Statutes Amendment (Energy Planning) Act 1985 No. 103 of 1985 [Assented to 7 November 1985]  
Statutes Amendment (Finance and Audit) Act 1987 No. 13 of 1987 [Assented to 9 April 1987]<sup>3</sup>  
Pipelines Authority Act Amendment Act 1990 No. 75 of 1990 [Assented to 20 December 1990]<sup>4</sup>  
Pipelines Authority (Sale of Pipelines) Amendment Act 1995 No. 44 of 1995 [Assented to 11 May 1995]<sup>5</sup>

<sup>1</sup> Came into operation 20 April 1967: *Gaz.* 20 April 1967, p. 1343.

<sup>2</sup> Came into operation 1 January 1975: *Gaz.* 19 December 1974, p. 3766.

<sup>3</sup> Came into operation 1 October 1987: *Gaz.* 17 September 1987, p. 886.

<sup>4</sup> Came into operation 20 December 1990: *Gaz.* 20 December 1990, p. 1841.

<sup>5</sup> Came into operation (except ss. 4, 5(2), 6-9 and new Pt. 6 (as inserted by s. 10)) 1 June 1995: *Gaz.* 1 June 1995, p. 2529; ss. 4, 5(2), 6-9 and new Pt. 6 had not been brought into operation at the date of, and the amendments effected by those provisions have not been included in, this reprint.

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to make provision for the establishment of an authority to be known as the Pipelines Authority of South Australia; to confer on the authority power to construct and operate pipelines for the conveyance of petroleum and to do things incidental or in relation thereto; and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Pipelines Authority Act 1967*.

**Commencement**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Interpretation**

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

"**adjustment period**" means a period commencing on the commencement of Part 4 and ending on a date fixed by proclamation;

"**asset**" means—

- (a) a present, contingent or future legal or equitable estate or interest in real or personal property; or
- (b) a present, contingent or future right, power, privilege or immunity;

"**deputy**" means deputy appointed to act for a member under subsection (6) of section 4 of this Act;

"**designated pipeline**" means the Moomba-Adelaide pipeline or the Katnook pipeline;

"**Katnook pipeline**" means the Katnook natural gas pipeline (including all branches and laterals) delineated in Schedule 3;

"**land**" includes any estate or interest in land and any easement, right, power or privilege in, under, over, affecting, or in connection with, land;

"**liability**" means a present, contingent or future liability or obligation (including a non-pecuniary obligation);

"**member**" means member of the Authority and includes a deputy when acting for a member;

"**Minister**" in the context of a particular provision means—

- (a) a Minister to whom the relevant Ministerial function has been specifically assigned by the Governor; or
- (b) if the relevant Ministerial function has not been specifically assigned to a particular Minister, the Minister for the time being responsible for the administration of this Act;

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"**Moomba-Adelaide pipeline**" means the Moomba-Adelaide pipeline (including all branches and laterals) delineated in Schedule 3;

"**operator**" of a pipeline means the body corporate<sup>1</sup> licensed under the *Petroleum Act 1940* to operate the pipeline;

<sup>1</sup> The operator of a pipeline must be a body corporate—See *Petroleum Act 1940*, s. 80D(7).

"**outlying land**" in relation to a pipeline, means all land that is outside the boundaries of the servient land but within 5 kilometres of the centreline of the pipeline (measured in a horizontal plane to each side of the centreline at right angles to the centreline);

"**petroleum**" means—

- (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, whether or not occurring with or in combination with other substances; or
- (d) any hydrocarbon or mixture of hydrocarbons produced by the refining of a substance referred to in paragraph (a), (b) or (c) of this definition; or
- (e) any mixture of a hydrocarbon or hydrocarbons so produced with another substance or other substances; or
- (f) any prescribed substance or prescribed mixture of substances;

"**pipeline**" means a pipe or system of pipes for conveying petroleum or any derivative thereof and includes all apparatus and equipment incidental thereto or used or intended to be used in connection therewith;

"**pipeline lease**" means a perpetual lease granted under section 38;

"**servient land**" means land subject to the statutory easement created under Part 4;

"**the Authority**" means the authority established under subsection (1) of section 4 of this Act;

"**the chairman**" means the chairman of the Authority and includes a deputy or acting chairman of the Authority when acting as chairman of the Authority;

"**the Minister**" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of that Minister.

"**transferred asset**" means an asset transferred to a purchaser under Part 5;

"**transferred liability**" means a liability transferred to a purchaser under Part 5.

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*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**The Authority**

4. (1) There shall be an authority which on and after the commencement of the *Natural Gas Pipelines Authority Act Amendment Act 1974* shall be called the "Pipelines Authority of South Australia".

(1a) The Authority is subject to control and direction by the Minister.

(2) Subject to this Act, the Authority—

(a) shall be a body corporate with perpetual succession and a common seal; and

(b) shall be capable of suing and being sued, and of taking or acquiring, taking or letting out on lease, holding, selling and otherwise disposing of land and property of all kinds; and

(c) shall hold all its property for and on behalf of the Crown; and

(d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

(4) On the commencement of the *Natural Gas Pipelines Authority Act Amendment Act 1974* the chairman and members of the Authority in office immediately before that commencement shall by force of this subsection vacate their respective offices.

(5) Subject to this Act, on and after the commencement of the *Natural Gas Pipelines Authority Act Amendment Act 1974* the Authority shall consist of six members appointed by the Governor one of whom shall be appointed by the Governor to be the chairman of the Authority.

(6) When any member is unable to perform his duties as such or is acting or is about to act as the deputy of the chairman for any period, the Governor may at any time, upon the recommendation or nomination of the Minister, appoint a deputy to act for that member during that period or any part thereof and a person so appointed shall while so acting, be deemed to be a member and any person so appointed to be deputy of the chairman shall, while so acting, be deemed to be the chairman.

(7) The *Public Service Act 1936-1966* shall not apply to or in relation to the appointment of a member of the Authority and a member shall not, as such be subject to that Act.

(8) The office of member of the Authority may be held in conjunction with either or both of the following offices:

(a) an office in the Public Service of the State;

(b) the office of Chief Executive Officer of the Authority.

**Reference to Natural Gas Pipelines Authority**

4A. Where in any document or writing of any kind or in any Act, rule, regulation or any other enactment, a reference is made to the Natural Gas Pipelines Authority, on and after the commencement of the *Natural Gas Pipelines Authority Act Amendment Act 1974* that reference shall be read as a reference to the Pipelines Authority.



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**Term of office**

5. (1) A member shall be appointed for the term of office not exceeding five years and specified in his instrument of appointment.

(2) On the expiration of his term of office as a member, a person shall be eligible for re-appointment as a member.

(3) The Governor may, by notice in writing served on a member, remove him from office if the Governor is satisfied that he ought not to remain a member of the Authority.

(4) The office of a member shall become vacant if—

(a) he dies or his term of office expires; or

(b) he resigns by written notice given to the Minister; or

(c) he is removed from office by the Governor pursuant to subsection (3) of this section; or

(d) without the leave of the Authority he fails to attend three consecutive meetings of the Authority; or

(e) he become bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

(5) On the occurrence of any vacancy in the office of a member, the Governor shall appoint a person to fill the vacancy, but where a vacancy in the office of a member occurs before the expiration of that member's term of office, any member to be appointed to fill that vacancy shall be appointed only for the balance of the term of office of the member in whose place he is appointed.

**Proceedings of the Authority**

6. (1) The chairman of the Authority shall preside at every meeting of the Authority at which he is present.

(2) If the office of chairman of the Authority is vacant, or the person appointed as chairman and the deputy (if any) of the chairman are not present at a meeting of the Authority, a member elected by the members present at that meeting shall act for, and have all the powers of, the chairman for that meeting.

(3) Four members shall constitute a quorum at any meeting of the Authority for the transaction of business and no business shall be transacted at any such meeting unless a quorum is present.

(4) On any matter before a meeting of the Authority—

(a) the decision of the majority of the votes cast by the members present at the meeting shall be the decision of the Authority; and

(b) the chairman shall have a deliberative vote and, in the case of an equality of votes, a second or casting vote also.

(5) An act or proceeding of the Authority shall not be invalid solely on the ground that there was at the time thereof a vacancy in the office of any member; and shall, notwithstanding the subsequent discovery that there was a defect in the recommendation, nomination or appointment of a member, or that a member was not entitled to act as such, be as valid and effectual as if the member was duly recommended or nominated, and was duly appointed and was entitled to act as a member.

(6) No liability shall attach to any member for any act or omission by him in good faith and in the exercise of his powers or functions or in the discharge of his duties under this Act.

(7) Subject to this Act, the business of the Authority shall be conducted in such manner as the Authority may determine.

(8) The Authority shall hold its first meeting on such day and at such time and place as the Minister appoints.

#### **Common Seal of the Authority**

7. (1) The common seal of the Authority shall be kept in the custody of such member or officer of the Authority as the Authority determines and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

(2) The affixing of the common seal to any instrument executed by the Authority shall be attested by the signatures of any two members or by the signatures of one member and an officer of the Authority duly authorised in that behalf by the Authority.

#### **Remuneration of members.**

8. The chairman and other members shall be entitled to receive from the funds of the Authority remuneration, allowances and other emoluments at such rates as are fixed by the Governor.

#### **Powers to appoint officers and servants**

9. (1) The Authority may appoint its officers and servants for the purposes of this Act.

(2) The officers and servants so appointed shall be entitled to receive from the Authority such remuneration, allowances and other emoluments as the Authority from time to time determines, and shall not in relation to their respective offices or positions be subject to the *Public Service Act 1936-1966*.

(3) The Authority may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State, and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of that department.

(4) The Authority may—

- (a) pay such pensions and other benefits to its officers and servants or their widows, widowers, children or dependants as it deems proper; and
- (b) contribute such sums as it thinks fit to any fund established for the purpose of providing pensions and other benefits for its officers and servants, their widows, widowers, children and dependants; and
- (c) make with the South Australian Superannuation Fund Board and give effect to any arrangement of a kind referred to in section 11 of the *Superannuation Act 1974-1978*.

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**Powers and functions of the Authority**

10. (1) Subject to this Act, but without limiting the generality of paragraph (b) of subsection (2) of section 4 of this Act, the Authority may—

- (a) construct, reconstruct or install, cause to be constructed, reconstructed or installed, or facilitate the construction, reconstruction or installation of pipelines for conveying petroleum or its derivatives to, from, through or within this State or petroleum storage facilities connected with any such pipeline; and
- (b) purchase, take on lease or otherwise acquire (by agreement) any pipeline for conveying petroleum to, from, through or within this State, or any petroleum storage facility connected with any such pipeline, or any interest in any such pipeline or petroleum storage facility; and
- (ba) hold, maintain, develop and operate any pipeline or petroleum storage facility in which the Authority has an interest or which is under the Authority's control; and
- (c) deal with, sell or otherwise dispose of any pipeline or petroleum storage facility or any interest in a pipeline or petroleum storage facility; and
- (ca) convey and deliver petroleum and its derivatives through any pipeline; and
- (d) make such charges and impose such fees for the conveyance of delivery of petroleum or any derivative thereof through any such pipeline as it may, with the approval of the Minister, determine; and
- (e) acquire shares or other interests in a body corporate that has an interest in a pipeline or petroleum storage facility and deal with, or dispose of, any such shares or other interests; and
- (ea) enter into a partnership, joint venture or other form of co-operative arrangement with regard to the construction or operation of a pipeline or petroleum storage facility; and
- (f) for purposes of selling or otherwise disposing of the same, purchase or otherwise acquire and store petroleum or any derivative thereof; and
- (g) sell or otherwise dispose of petroleum or any derivative thereof so purchased or acquired; and
- (h) purify and process petroleum or any derivative thereof and treat petroleum or any derivative thereof for the removal of substances forming part thereof or with which it is mixed; and
- (i) for its own use and consumption, purchase or otherwise acquire and store petroleum or any derivative thereof or any other kind of fuel; and
- (j) invest its funds by deposit with the Treasurer or in such other manner as the Treasurer approves; and
- (k) enter into contracts and do anything incidental or ancillary to the exercise and performance of its powers and functions.

(1a) The powers conferred on the Authority by subsection (1) are exercisable within or outside the State.

(2) The Authority shall not—

- (a) construct, reconstruct, install or cause to be constructed, reconstructed or installed any pipeline unless the route thereof as been approved by the Governor; or
- (ab) acquire shares or any other interest in a body corporate under subsection (1)(e), or enter into a partnership, joint venture or other form of co-operative arrangement under subsection (1)(ea), without the approval of the Minister; or
- (b) do, or enter into any contract to do, any of the things referred to in paragraph (f), (g) or (h) of subsection (1) of this section without the approval of the Minister given, generally or in any special case, on his being satisfied that it is necessary or desirable to do such thing in the public interest or in order to protect the interests of the Authority or to promote or assist in the operation of any pipeline owned by or under the control of the Authority.

(3) Subject to this section, the Authority may—

- (a) construct or install or cause to be constructed or installed any pipeline across or along any road or bridge; and
- (b) break up the soil or pavement of any road, bridge and open and break up sewers, drains or tunnels within or under any road and lay down and place pipes and other works incidental to or necessary for the purposes of any pipeline and, from time to time, repair, alter or remove the same.

(4) Before the Authority proceeds to construct or install or cause to be constructed or installed any pipeline across or along any road or bridge or to open or break up any road, bridge, sewer, drain or tunnel, the Authority shall give to the persons under whose control or management such road, bridge, sewer, drain or tunnel may be notice in writing of its intention to carry out such work not less than seven days before such work is begun, except in cases of emergency arising from defects in a pipeline or other works, and then so soon as is possible after the commencement of the work or the necessity for the same had arisen.

(5) The Authority shall not carry out or cause to be carried out any work involving the breaking or opening up of any road, bridge, sewer, drain or tunnel or involving the use of any bridge or property the control or management of which is vested in any other person except under the superintendence of such person or some other person approved by him and according to such plan as is approved by or on behalf of such person or, in case of any difference arising in respect of any plan between the Authority and such person, according to such plan as is approved by the Governor.

(6) The Authority shall take all steps necessary to ensure that the minimum amount of damage is done in the execution of the powers conferred on it by this Act and shall make compensation for any damage that may be done in the execution of such powers and shall, as soon as practicable, reinstate and make good any road, bridge or pavement or any sewer, drain or tunnel broken or opened up by the Authority.

(7) The Authority shall, at all times whilst any road, bridge or pavement is broken or opened up by the Authority, cause the same to be guarded, and shall cause a light sufficient for the warning of persons to be set up and kept there for every night during which the same continues open or broken up.

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(8) The Authority shall, after reinstating and making good any road, bridge or pavement or any sewer, drain or tunnel as required under subsection (6) of this section, keep the same in good repair for six months thereafter.

**Additional powers of the Authority**

**10AA.** (1) The Authority may—

- (a) acquire, hold and deal with a share or other interest in a licence authorising the exploration for, or exploitation of, a petroleum resource; or
- (b) enter into and carry out agreements and arrangements (which may include provision for the payment of a subsidy) in relation to the exploration for, or exploitation of, a petroleum resource; or
- (c) acquire, hold and deal with shares, debentures or other interests in a body corporate that holds a share or other interest in a licence authorising the exploration for, or exploitation of, a petroleum resource.

(2) The Authority shall not—

- (a) exercise its powers under subsection (1)(a) or (b) in relation to a petroleum resource situated outside the prescribed area; or
- (b) exercise its powers under subsection (1)(c) in relation to a body corporate that holds no share or other interest in a licence authorising the exploration for, or exploitation of, a petroleum resource situated in the prescribed area,

without the consent of the Minister.

(3) Any income received by the Authority in consequence of the exercise of powers under subsection (1) which is exempt from income tax under the law of the Commonwealth, but would not be so exempt if the Authority were not an instrumentality of the Crown, shall be taxed under this section at the same rate as is applicable to company income under the law of the Commonwealth.

(4) The Authority shall pay to the Treasurer, for the credit of the Consolidated Account, any amount certified by the Auditor-General to be an amount payable by way of tax under subsection (3).

(5) In this section—

"**licence**" means a licence, permit or authority (however described) granted under a law of this State, the Commonwealth, any other State of the Commonwealth or a Territory of the Commonwealth authorising the exploration for, or the exploitation of, a petroleum resource;

"**petroleum resource**" means a naturally occurring hydrocarbon or mixture of hydrocarbons (whether in a gaseous, liquid or solid state and whether or not occurring in combination with other substances);

"the prescribed area" means all that area bounded by a line commencing at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia that runs thence northerly along the line of longitude  $129^{\circ}$  to its intersection by the parallel of latitude  $23^{\circ} 30'$ , thence easterly along the parallel of latitude  $23^{\circ} 30'$  to its intersection by the line of longitude  $144^{\circ}$ , and thence southerly along the line of longitude  $144^{\circ}$  to its intersection by the coastline of Victoria at mean low water, and thence along the coastline of Victoria at mean low water to a point that is the intersection of that coastline at mean low water by the boundary between the States of South Australia and Victoria thence southerly along the meridian through that point to its intersection by the parallel of latitude  $38^{\circ} 10'$  south, thence south-westerly along the geodesic to a point of latitude  $38^{\circ} 15'$  south, longitude  $140^{\circ} 57'$  east, thence south-westerly along the geodesic to a point of latitude  $38^{\circ} 26'$  south, longitude  $140^{\circ} 53'$  east, thence south-westerly along the geodesic to a point of latitude  $38^{\circ} 35' 30''$  south, longitude  $140^{\circ} 44' 37''$  east, thence south-westerly along the geodesic to a point of latitude  $38^{\circ} 40' 48''$  south, longitude  $140^{\circ} 40' 44''$  east, thence south-westerly along the geodesic to a point of latitude  $44^{\circ}$  south, longitude  $136^{\circ} 29'$  east, thence westerly along the parallel of latitude  $44^{\circ}$  south to a point that is the intersection of that parallel by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence northerly along that meridian to its intersection by that coastline at mean low water.

**Authority not to carry on business as petroleum refinery**

10A. Nothing in this Act shall be held or construed as authorising or empowering the Authority to carry on the business of a petroleum refinery.

**Application of Petroleum Act 1940-1971**

11. (1) The *Petroleum Act 1940-1971* and the regulations thereunder shall extend and apply to the Authority except to the extent that the Authority is by proclamation exempted from the operation thereof.

(2) Except in relation to the exercise by the Authority of any power or function under section 10AA of this Act, the Governor may by proclamation exempt the Authority from any provision of the *Petroleum Act 1940-1971* or the regulations thereunder and the Governor may by subsequent proclamation amend, vary or revoke any such proclamation.

(3) Any proclamation made under section 11 of this Act as in force before the commencement of the *Pipelines Authority Act Amendment Act 1977* shall on and from that commencement continue in force as if it were a proclamation under this section and this section shall apply and have effect accordingly.

**Powers of acquisition**

12. (1) The Authority may, with the approval of the Governor, acquire land, either by agreement or compulsorily—

(a) for the construction, operation, maintenance or repair of a pipeline and related petroleum storage facilities; or

(b) for purposes incidental to those mentioned in paragraph (a).

(1a) Land may be acquired by the Authority under subsection (1) irrespective of whether the Authority or some other person is to construct, operate, maintain or repair the pipeline or related petroleum storage facilities.

(2) The *Land Acquisition Act 1969-1972* shall apply in relation to the acquisition of land under this section.

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(3) The Authority shall not, without the approval of the Governor, sell, transfer or convey any land or let any land out on lease for a period exceeding five years.

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**Power of Authority to borrow money, etc.**

14. (1) The Authority may borrow money from the Treasurer or, with the consent of the Treasurer, from any person—

- (a) for the purposes of the exercise or performance of its powers and functions; or
- (b) to satisfy any liability of the Authority.

(2) The Authority may issue debentures to secure the repayment of any money borrowed by it pursuant to subsection (1) of this section and all interest due thereon.

(3) Any amount borrowed by the Authority with interest thereon shall be a first charge on all the property and revenue, whether accrued or still to accrue, of the Authority.

(4) The due repayment of all principal sums so borrowed by the Authority and the payment of all interest secured by any debenture issued by the Authority is hereby guaranteed by the Government of South Australia.

(5) The Treasurer is hereby authorised—

- (a) out of moneys received by the State from the Commonwealth for the purpose, and out of other moneys to be appropriated by Parliament for the purpose, to make advances by way of loan or otherwise to the Authority, for any of the purposes mentioned in subsection (1) of this section, subject to such terms and conditions as he thinks fit; and
- (b) to pay out of the General Revenue of the State any sum required for fulfilling any guarantee referred to in subsection (4) of this section, and this section, without further appropriation is sufficient authority for any such payment and any sum paid under this paragraph shall, when moneys are properly available for the purpose, be repaid by the Authority to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

**Special obligations and powers of the Authority**

15. (1) The Authority shall, when so required by the Treasurer, and in such manner as the Treasurer approves, pay to the Treasurer such amount as shall be certified by the Auditor-General to be the amount of expenditure incurred by the Government of the State on and in connection with feasibility surveys and other matters in preparation for the proposed pipeline or pipelines from the natural gas fields at Gidgealpa and Moomba in the State which have been carried out under the authority of the Premier, the Minister of Mines or any other Minister of the Crown given prior to the constitution of the Authority.

(2) The Authority shall honour and discharge every liability of the Government of the State under any contract, undertaking or commitment made before the constitution of the Authority on behalf of the Government, under the authority of the Premier, the Minister of Mines or any other Minister of the Crown with any party in relation to the proposed pipeline or pipelines from the natural gas fields at Gidgealpa and Moomba aforesaid and such contract, undertaking or commitment shall for all purposes be construed as if the Authority itself had made that contract, undertaking or commitment with the other parties thereto and the other parties thereto had made such contract, undertaking or commitment with the Authority accordingly.

(3) Out of any profits accrued or accruing to the Authority, the Authority may, with the approval of the Treasurer, make payments to the Electricity Trust of South Australia, to the South Australian Gas Company and to any other like authority approved for the purpose by the Minister, or to any of them, by way of rebate or drawback on charges made or being made against them, or against it, by the Authority or some other person in connection with the conveyance or supply of natural gas or any derivative thereof through any pipeline owned by or under the control of the Authority.

(4) If, from any report and accounts of the Authority presented to the Minister as required by section 16 of this Act, it appears to the Treasurer that, out of the net accumulated profits of the Authority, the Authority ought to make any payments or any further payments under subsection (3) of this section, the Treasurer may appoint a committee consisting of the chairman, the Auditor-General and the Under Treasurer and call for a report and recommendations thereon from the committee and, after considering such report and recommendations, the Treasurer may require the Authority to make such payments or further payments under subsection (3) of this section out of its net accumulated profits as to him may seem proper and the Authority shall, within three months after being so required, make such payments or further payments accordingly.

(5) The Authority may, subject to this section, invest or otherwise deal with its profits in any manner approved by the Treasurer.

#### **Annual report, accounts and audit**

16. (1) The Authority shall on or before the thirty-first day of October in each year, commencing from the year 1968, prepare and present to the Minister a report on its operations during the period of twelve months ended on the thirtieth day of June in that year, or, in the case of its first report, during the period commencing on the date of its first meeting and ending on the thirtieth day of June, 1968.

(2) The Authority shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities and shall in each year not later than the thirty-first day of October prepare a profit and loss account for the period of twelve months, or part thereof, ending on the thirtieth day of June in that year, during which period or part of which period the Authority had carried on business, and a balance-sheet showing its assets and liabilities as at that thirtieth day of June.

(3) The profit and loss account and the balance-sheet shall be included in the report referred to in subsection (1) of this section.

(4) The Auditor-General must, in respect of each financial year of the Authority, audit the accounts of the Authority.

(5) The Minister must cause the report of the Authority referred to in subsection (1) to be laid before both Houses of Parliament as soon as practicable after the Minister has received that report.

(6) The Authority shall pay to the Treasurer as a fee for every audit carried out by the Auditor-General such sum as the Treasurer thinks reasonable.

#### **Certain provisions relating to property**

17. (1) Any land which is held under a lease granted under the *Crown Lands Act 1929-1966* or the *Pastoral Act 1936-1966*, and which may be resumed thereunder for any public work or public purpose, may be resumed thereunder also for any of the purposes of this Act as if such purpose were a public work or public purpose.



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(2) Notwithstanding anything contained in any Act it shall be lawful for any body corporate, on such terms and conditions as are agreed upon by that body corporate and the Authority, to grant to the Authority any easement, lease, licence or other authority over any land owned by or vested in the body corporate for enabling the Authority to construct a pipeline through or over such land and to operate, inspect, maintain and repair any part of such pipeline, notwithstanding that the memorandum and articles or other constitution of the body corporate do not or does not authorise such grant.

(3) The Authority may, for the purpose of facilitating the construction, operation, maintenance or repair of a pipeline or related petroleum storage facilities by some other person—

- (a) grant to that person licences over property of the Authority; or
- (b) authorise that person to use easements that exist in favour of the Authority.

(4) If the Authority authorises the use of an easement under subsection (3)(b), then the person to whom the authorisation is given has (without derogation from the rights of the Authority) such of the rights of the proprietor of the easement as are set forth in the authorisation.

**Liability of Authority to pay rates and land tax**

18. Notwithstanding any other Act—

- (a) land belonging to the Authority shall be ratable property within the meaning of the *Local Government Act 1934-1966*; and
- (b) the Authority shall be liable to pay rates under the *Local Government Act 1934-1966*, the *Waterworks Act 1932-1966*, and the *Sewerage Act 1929-1966* and land tax under the *Land Tax Act 1936-1966* but for the purposes of those Acts such land shall be assessed for rates or tax on its value ascertained without regard to any pipeline, petroleum storage facilities, or any apparatus, equipment or other facilities belonging to or operated by the Authority on or over such land.

**Regulations**

19. (1) The Governor may make regulations for or with respect to any matter or thing which is necessary or convenient in connection with the administration of this Act or which is necessary or expedient for carrying this Act into effect or better effecting the objects of this Act.

(2) Without limiting the generality of subsection (1) of this section such regulations may—

- (a) provide for the observance of and prescribe safety precautions in relation to any matter dealt with by this Act; and
- (b) prescribe penalties recoverable summarily, not exceeding in each case five hundred dollars, for breaches of, or non-compliance with, the regulations.

**Protection of the Authority from certain penalties and civil claims**

20. Notwithstanding any other Act or law, the Authority shall not be liable to any penalty, or in damages, by reason of an interruption of, or failure in, the supply of petroleum.

**PART 4  
STATUTORY EASEMENTS**

**Creation of statutory easements**

21. (1) A statutory easement exists in favour of the owner of the Moomba-Adelaide pipeline.

(2) A statutory easement exists in favour of the owner of the Katnook pipeline.

(3) A statutory easement is an easement in gross that does not depend on the existence of a dominant tenement.

(4) Subject to the terms of any transaction entered into by the owner of a pipeline with the Minister's consent, the statutory easement cannot be dealt with independently of the pipeline to which it relates and attaches to the owner in that capacity (and hence if there is a change of ownership, the new owner of the pipeline becomes the proprietor of the statutory easement without conveyance).

[If the Minister approves, the owner of the pipeline may make a partial surrender of the statutory easement by written notice of surrender given to the Minister accompanied by surveys and other documents that the Minister may require. On surrender, the boundaries of the servient land are modified to accord with the surrender. If the owner of the pipeline acquires an easement adjacent to the servient land, the easement is, if the Minister approves, subsumed under the statutory easement and the boundaries of the servient land are modified accordingly.]

**Land subject to statutory easement**

22. (1) The land subject to a statutory easement (the "servient land") extends—

(a) for the whole length of the pipeline as shown in the map and descriptions in Schedule 3; and

(b) from the centreline of the pipeline on both sides of the pipeline for the distances specified in Schedule 3.

(2) The servient land also includes other land over which the Authority held an easement for the purposes of the pipeline immediately before the commencement of this Part.

(3) The boundaries of the servient land are fixed (subject to any transaction that may affect the boundaries) as at the commencement of this Part.

(4) However—

(a) the Minister may, by instrument in writing signed before the end of the adjustment period, vary the boundaries of the statutory easement (with retrospective effect so that the statutory easement is, on its creation, subject to the variation) to avoid conflicts (or possible conflicts) between the rights conferred by the easement and other rights and interests; and

(b) if a building, structure or fixture not associated with the operation of the pipeline was lawfully built on or affixed to the servient land before the commencement of this Part, the land on which the building, structure or fixture stands is not part of the servient land.

(5) A copy of an instrument under subsection (4)(a) must be published in the *Gazette*.

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**Rights conferred by statutory easement**

23. (1) The statutory easement entitles the owner of the pipeline—

- (a) to install, maintain and operate a pipeline or pipelines across the servient land; and
- (b) to carry out an authorised purpose on the servient land; and
- (c) if associated equipment had, before the commencement of this Part, been installed on outlying land—to maintain the associated equipment (or associated equipment of the same kind) on that land and to carry out authorised purposes related to the associated equipment; and
- (d) to install and maintain associated equipment necessary for cathodic protection, electricity supply or water supply on outlying land and to carry out authorised purposes related to the associated equipment; and
- (e) to obtain water necessary for domestic requirements from a natural source, a reservoir or bore (but not if the natural source, reservoir or bore is on freehold land).

[The *Petroleum Act 1940* requires a pipeline licence for the construction or operation of a pipeline (See section 80D). The rights conferred by the statutory easement do not derogate from that requirement. Hence, the owner of the pipeline may only exercise rights conferred by the statutory easement (insofar as they relate to the construction or operation of a pipeline) if the owner of the pipeline itself holds a pipeline licence or acts through an agent that holds a pipeline licence. If the operator of the pipeline is not the owner or an agent of the owner, the owner may delegate powers under the statutory easement to the operator.]

(2) An **authorised purpose** is one or more of the following purposes:

- (a) to install (or re-install) a pipeline and associated equipment;
- (b) to operate a pipeline or associated equipment;
- (c) to inspect a pipeline or associated equipment and monitor its operation;
- (d) to carry out maintenance work on a pipeline or associated equipment;
- (e) to extend, alter, repair or replace a pipeline or associated equipment;
- (f) to remove a pipeline or associated equipment.

(3) **Associated equipment** means equipment associated with the operation of the pipeline including—

- (a) cathodic protection equipment; and
- (b) equipment for transmission of electricity; and
- (c) equipment for providing water supply; and
- (d) fences and other protective structures and devices.

(4) An agent, contractor, or employee authorised by the owner of the pipeline may do anything (including work involving disturbance of land) authorised by the statutory easement and, for the purpose of doing so, may, at any time (with or without motor vehicles and other equipment), enter and pass over the servient land, outlying land and other land on either side of the pipeline over which it is reasonably necessary to pass to gain access to the servient land, outlying land or a natural source of water, a reservoir or a bore.

(5) The owner of the pipeline is liable for compensation as follows:

- (a) if associated equipment necessary for cathodic protection, electricity supply or water supply is installed on outlying land, or authorised purposes related to the associated equipment are carried out on outlying land, under subsection (1)(d), the occupier of the land is entitled to reasonable compensation from the owner of the pipeline for interference with the use or enjoyment of the land; and
- (b) if water is taken under subsection (1)(e), the person who would otherwise be entitled to the water is entitled to reasonable compensation from the owner of the pipeline.

(6) The amount of the compensation is to be fixed by agreement or, in default of agreement, by the Magistrates Court.

**Effect of statutory easement on existing interests, etc.**

24. (1) The statutory easement extinguishes other easements and subleases in favour of the Authority to the extent the other easements or subleases relate to the servient land.

(2) However—

- (a) a public right of way is not extinguished by the statutory easement; and
- (b) rights related to the pipeline subject to Pipeline Licence No. 2 under the *Petroleum Act 1940* are preserved but the preserved rights do not limit or fetter the following rights under the statutory easement—
  - (i) the right to maintain a designated pipeline (and associated equipment) in the position in which it was immediately before the commencement of this Part; and
  - (ii) the right to operate the pipeline (and associated equipment); and
  - (iii) the right to repair the pipeline or associated equipment or replace it with a new pipeline or new associated equipment in the same position; and
- (c) if an instrument that created an easement that is extinguished under subsection (1) contained a covenant indemnifying other persons interested in the land that was subject to the easement against loss or damage, the covenant continues in force but may be enforced only against the owner of the pipeline as at the time when the cause of action for the indemnity arose.

(3) If an easement that is registered under the *Real Property Act 1886* is extinguished under this section, the Registrar-General must, on application by the Minister or any other interested person, cancel the registration of the easement.

(4) A dedication of land of the Crown made before the commencement of this Part is, to the extent that it relates to the servient land, revoked.

(5) A licence or permit granted by or on behalf of the Crown, a statutory authority, or a council to permit the installation, maintenance or operation of a pipeline on its land is, to the extent the licence or permit relates to the servient land, revoked.

**Registrar-General to note statutory easement**

25. (1) The Registrar-General must, on application by the Authority, note the statutory easement on each certificate of title, or Crown lease, affected by the easement.

(2) An application under this section—

- (a) need not include a plan of the statutory easement; but
- (b) must include a schedule of all certificates of title and Crown leases affected by the easement.

(3) The Registrar-General is entitled to act on the basis of information included in the application and is not obliged to do anything to verify the accuracy of that information.

**Registration of statutory easement or part of statutory easement**

26. (1) The Registrar-General must, on application by the owner of a statutory easement—

- (a) issue a certificate for the easement or a particular part of the easement; and
- (b) register the easement on a certificate of title or a Crown lease that comprises any part of the servient land (and on any duplicate of the certificate or lease produced to the Registrar-General).

(2) If the statutory easement, or a particular part of the statutory easement, is registered under this section, the Registrar-General must on application by the owner of the easement, or a person interested in the dealing, register a dealing with the easement, or the relevant part of the easement, made with the consent of the Minister.

(3) An application under this section must be accompanied by—

- (a) a plan in a form approved by the Registrar-General of the servient land or the relevant part of the servient land; and
- (b) other documents and information required by the Registrar-General.

**Minimisation of damage, etc.**

27. (1) A person exercising rights under the statutory easement must take reasonable steps—

- (a) to minimise damage to land or other property (including damage to pastures and native vegetation) from work or activities carried out in the exercise of rights conferred by the statutory easement; and
- (b) to avoid unnecessary interference with land or other property, or the use or enjoyment of land or other property, from the exercise of rights under the statutory easement.

(2) A person exercising rights under the statutory easement must not engage in activities involving substantial destruction of vegetation on the servient land unless—

- (a) there is no feasible way of avoiding clearance of the vegetation if rights conferred by the easement are to be effectively exercised; or
- (b) the Minister gives written approval for clearance of the vegetation.

**PART 5  
SALE OF PIPELINES, ETC.**

**Sale of assets**

28. (1) The Treasurer may, by agreement (a "sale agreement") with another (the "purchaser"), transfer assets<sup>1</sup> and liabilities of the Authority to the purchaser.

[There may be two or more agreements relating to different assets and liabilities with the same purchaser or with different purchasers.]

(2) A sale agreement vests the relevant assets and liabilities in the purchaser in accordance with its terms.

(3) On the vesting of an asset in the purchaser under this section, the asset is discharged from the trust in favour of the Crown.<sup>2</sup>

(4) If a sale agreement so provides, a charge to which a transferred asset is subject ceases to apply to the asset on its transfer under the sale agreement.

(5) If a sale agreement provides for the transfer of a pipeline lease from the Authority, the transfer is (despite the *Crown Lands Act 1929*) effective without further approval or formality.

(6) The transfer of an asset or liability under this section operates by force of this Act and despite the provisions of any other law or instrument.

(7) The transfer of a liability under this section operates to discharge the Authority from the liability.

(8) Out of the net proceeds of a sale under this section the Treasurer must pay to the Authority an amount sufficient to enable it to meet its outstanding obligations and must pay the balance to the *Asset Management Task Force Operating Account* at the Treasury to be used for the purpose of retiring State debt.

<sup>1</sup> The transfer of ownership of a pipeline operates automatically to transfer the relevant statutory easement (See section 21(4)).

<sup>2</sup> See section 7.

**Transferred instruments**

29. (1) A sale agreement may provide that instruments identified in the agreement, or to be identified as provided by the agreement, are to be transferred instruments.

(2) If an instrument is identified in, or under, a sale agreement as a transferred instrument, the instrument operates, as from a date specified in the sale agreement, as if references to the Authority were references to the purchaser.

**Grant of pipeline licence**

30. (1) On the vesting of a pipeline in a purchaser, a pipeline licence for the pipeline must be issued under the *Petroleum Act 1940*.

(2) The terms and conditions of the licence must be—

(a) as set out in the regulations; or

(b) as determined by agreement between the relevant Minister and the purchaser.

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(3) On the issue of a pipeline licence to the purchaser, the Authority's licence for the pipeline is revoked.

**Registrar's duty to record vesting of land**

31. If an interest in land (other than a statutory easement under Part 4) vests in a purchaser under this Part, and the interest is registrable under the *Real Property Act 1886*, the Registrar-General must, on application by the Treasurer or the purchaser, register the vesting of the interest in the purchaser.

**Evidence**

32. (1) The Treasurer or a person authorised by the Treasurer to give certificates under this section may issue a certificate certifying that—

- (a) a particular asset or liability has, or has not, been transferred to a particular purchaser under this Part; or
- (b) a particular instrument is, or is not, a transferred instrument and, if it is a transferred instrument, is to be read subject to specified modifications.

(2) An apparently genuine document that appears to be a certificate under this section must be accepted by courts, arbitrators, persons acting judicially, and administrative officials as evidence of the matters certified.

**Saving provision**

33. Nothing done or allowed in accordance with this Part or a sale agreement—

- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under, a pre-existing contract, agreement, understanding or undertaking; or
- (c) constitutes a breach of a duty of confidence that arises by contract, in equity, by custom or in any other way; or
- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils a condition that allows a person to terminate an agreement or obligation; or
- (f) gives rise to any other right or remedy.

**Industries Development Committee to be informed of proposed sale contract**

34. (1) Before the Treasurer executes a sale contract, the Treasurer must brief the members of the Industries Development Committee (the "Committee") on the terms and conditions of the proposed agreement and, if possible, must attend a meeting of the Committee (to be convened on not less than 48 hours notice) for the purpose of giving the briefing or answering questions on written briefing papers.

(2) Members of the public are not entitled to be present at a meeting of the Committee under this section.

(3) A person who gains access to confidential information as a direct or indirect result of the Treasurer's compliance with this section must not divulge the information without the Treasurer's approval.

Maximum penalty: Division 4 fine.

(4) Section 20<sup>1</sup> of the *Industries Development Act 1941* does not apply to proceedings of the Committee under this section.

(5) Non-compliance with this section does not affect—

(a) the validity of anything done under this Act; or

(b) the validity or effect of sale agreement.

<sup>1</sup> Section 20 of the *Industries Development Act 1941* confers on the Committee (subject to certain qualifications) the powers of a Royal Commission of Inquiry.

**Auditor-General to be kept informed of negotiations for sale agreement**

35. The Treasurer must ensure that the Auditor-General is kept fully informed about the progress and outcome of negotiations for a sale agreement under this Act.



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PART 7  
MISCELLANEOUS

**Act to apply despite Real Property Act 1886**

37. (1) This Act applies to land whether or not it has been brought under the provisions of the *Real Property Act 1886*.

(2) This Act applies despite the provisions of the *Real Property Act 1886*, the *Registration of Deeds Act 1935*, or any other law; in particular, the statutory easement and the rights deriving from it are valid despite anything contained in those Acts or any other law.

**Pipeline leases**

38. (1) The Minister may grant the Authority a lease (a "pipeline lease") of land of the Crown over which a leasehold interest had been created (in favour of the Authority or some other person) before 1 July 1993.

(2) A pipeline lease must be in the form prescribed by the regulations.

(3) A pipeline lease is taken to be a perpetual lease under the *Crown Lands Act 1929*.

(4) The holder of a pipeline lease is entitled to reasonable access (with vehicles and equipment) to the land comprised in the lease across land that separates the land comprised in the lease from the nearest public road, the servient land or land comprised in another pipeline lease.

(5) If a pipeline lease is granted over land already subject to a lease or licence under the *Crown Lands Act 1929* or the *Pastoral Land Management and Conservation Act 1989* (a "Crown tenement"), the grant of the pipeline lease operates to resume the land subject to the pipeline lease from the land comprised in the earlier Crown tenement (without however giving rise to any right to compensation).

(6) If a pipeline lease is granted over land of the Crown that has been dedicated for a particular purpose, the grant revokes the dedication to the extent that it relates to land subject to the lease.

(7) However, the Minister may, by instrument in writing, exclude land from the operation of subsection (5) or (6).

[A copy of an instrument under this subsection must be published in the *Gazette*.]

(8) If a pipeline lease is granted over land excluded from the operation of subsection (5) ("excluded land"), the grant of the pipeline lease does not operate as a resumption of the excluded land, but the holder of the excluded land that is subject to the pipeline lease holds the land as a sub-tenant of the lessee under the pipeline lease on the same terms as the land was held from the Crown.

(9) A pipeline lease cannot be assigned or dealt with in any other way without the approval of the Minister; but if the Minister approves the assignment or other dealing, no further consent or approval is required.

(10) The Registrar-General must, on application by an interested person accompanied by documents required by the Registrar-General, record transactions under this section in the *Register of Crown Leases*.

(11) The rights conferred by a pipeline lease, or by this section, on the holder of a pipeline lease, are subordinate to rights relating to the pipeline subject to Pipeline Licence No. 2 under the *Petroleum Act 1940*.

#### **Grant of licences, etc., by the Authority**

39. (1) The Authority may grant licences over the Authority's property, or authorise another to use easements that exist in favour of the Authority, in order to facilitate the construction, operation, maintenance or repair of a natural gas or petroleum liquids pipeline, or related storage facilities.

(2) An authorisation to use an easement under subsection (1)—

- (a) confers on the person to whom it is given rights of the proprietor of the easement set out in the authorisation; but
- (b) does not derogate from the Authority's rights under the easement.

(3) If an easement or other property affected by a licence or authorisation under this section or the corresponding previous enactment<sup>1</sup> is transferred to another, the licence or authorisation remains in force.

<sup>1</sup> *I.e.* section 17(3) & (4) of this Act as it existed before its repeal by the *Pipelines Authority (Sale of Pipelines) Amendment Act 1995*.

#### **Aboriginal interests**

40. (1) The creation of the statutory easement under this Act, or the grant of a pipeline lease, does not affect any native title that may exist in the land to which the easement or lease relates.

(2) The statutory easement or a pipeline lease under this Act does not derogate from pre-existing rights of Aboriginal people to enter, travel across or stay on land subject to the easement or lease.

#### **Minister's power to qualify statutory rights**

41. The Minister may, by instrument in writing signed before the end of the adjustment period, limit rights, or impose conditions on the exercise of rights, over land outside the servient land arising under—

- (a) a statutory easement; or
- (b) a pipeline lease; or
- (c) a provision of this Act.

#### **Interaction between this Act and other Acts**

42. (1) A transaction to dispose of assets or liabilities of the Authority is not subject to the *Land and Business (Sale and Conveyancing) Act 1994* (or, if that Act is not yet in operation, the corresponding previous enactment<sup>1</sup>).

(2) No consent, approval or authorisation is required under Part 4 of the *Development Act 1993* for a transaction under this Act.

(3) This Act does not derogate from requirements under the *Petroleum Act 1940* about safety or the protection of the environment.

<sup>1</sup> Part 10 of the *Land Agents, Brokers and Valuers Act 1973*.

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**Joint ventures**

43. (1) If the participants in a joint venture own or operate a designated pipeline, the participants are jointly and severally liable to the obligations under this Act.

(2) The participants in the joint venture may from time to time give the Minister written notice of a representative (who may—but need not be—a participant in the joint venture) who is authorised to give and receive notices on their behalf.

(3) A notice given by or to the authorised representative is taken to have been given by or to all participants in the joint venture.

(4) If no representative is currently nominated under this section, a notice given to any one of the participants in the joint venture is taken to have been given to all.

(5) A joint venture includes a partnership.

**Exclusion of liability**

44. The creation of a statutory easement, or the grant of a pipeline lease, under this Act does not give rise to any rights to compensation beyond the rights for which specific provision is made in this Act.

**Authority's immunities**

45. The Authority is (despite any other Act or law) not liable to any penalty, or for damages, for an interruption of, or failure in, the supply of petroleum.

**Exclusion of rules governing easements in gross**

46. An easement in gross may be validly transferred from the Authority to another person under this Act even though the transferee is not the Crown or an agency or instrumentality of the Crown.

**Disposal of assets and liabilities**

47. (1) The following actions (collectively referred to as the "authorised project") are authorised:

- (a) the examination of the undertaking of the Authority with a view to the disposal of its assets and liabilities;
- (b) the preparation of assets and liabilities of the Authority for disposal;
- (c) other action that the Treasurer authorises, after consultation with the Authority, in preparation for disposal of its assets and liabilities.

(2) The authorised project is to be carried out by—

- (a) persons employed by the Crown and assigned to work on the project; and
- (b) officers of the Authority assigned to work on the project; and
- (c) other persons whose services are engaged by the Crown or the Authority for the purpose of carrying out the project; and
- (d) other persons approved by the Treasurer whose participation or assistance is, in the opinion of the Treasurer, reasonably required for the purposes of the project.

(3) The Treasurer (or the Treasurer's delegate) may, despite any other law, authorise prospective purchasers and their agents to have access to information in the possession or control of the Authority that should, in the Treasurer's opinion (or the delegate's opinion), be made available to the prospective purchasers for the purposes of the authorised project.

(4) The members and staff of the Authority must, despite any other law, instrument, contract or undertaking—

- (a) allow persons engaged on the authorised project access to information in the possession or control of the Authority that is reasonably required for, or in connection with, the carrying out of the authorised project; and
- (b) do whatever is necessary to facilitate the provision of the information to persons entitled to access to the information under subsection (3); and
- (c) provide other co-operation, assistance and facilities that may be reasonably required for, or in connection with, the carrying out of the authorised project.

(5) A person who is in a position to grant or refuse access to information to which this section relates may deny access to a person who seeks access to the information unless the person produces a certificate issued by the Treasurer (or the Treasurer's delegate) certifying that the person is entitled to access to information under this section and the basis of the entitlement.

**Protection for disclosure and use of information, etc.**

48. (1) In this section—

"authorised action" means—

- (a) the disclosure or use of information in the possession or control of—
  - (i) the Authority; or
  - (ii) a current or former member of the Authority or staff of the Authority; or
  - (iii) persons involved in the authorised project,as reasonably required for, or in connection with, the carrying out of the authorised project; or
- (b) anything done or allowed under Parts 4, 5 and 7 of this Act.

(2) No authorised action—

- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under a contract, agreement, understanding or undertaking; or
- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity, by custom, or in any other way); or
- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation, or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or

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(f) releases a surety or other obligee wholly or in part from an obligation.

**Evidentiary provision**

49. (1) In legal proceedings, a certificate of the Treasurer (or the Treasurer's delegate) certifying that action described in the certificate forms part of the authorised project, or that a person named in the certificate was at a particular time engaged on the authorised project, must be accepted as proof of the matter so certified in the absence of proof to the contrary.

(2) An apparently genuine document purporting to be a certificate under subsection (1) must be accepted as such in the absence of proof to the contrary.

**Regulations**

50. (1) The Governor may make regulations and proclamations for the purposes of this Act.

(2) A regulation may impose a fine (not exceeding a Division 7 fine) for breach of the regulation.

(3) A proclamation cannot be amended or revoked by a later proclamation unless this Act specifically contemplates its amendment or revocation.

**SCHEDULE 1**

*Consequential Amendments to Petroleum Act 1940*

**Amendment of s. 80CA**

1. Section 80CA is amended—

- (a) by inserting before the definition of "to construct" the following definition:

"easement" includes the statutory easement under the *Pipelines Authority Act 1967*;

- (b) by inserting after the definition of "pipeline" the following definition:

"pipeline land" means an interest in land acquired for the construction or operation of a pipeline and includes an easement.

**Amendment of s. 80D—Requirement to hold licence**

2. Section 80D is amended—

- (a) by striking out subsection (1) and substituting:

(1) A person must not construct or operate a pipeline except in pursuance of a pipeline licence under this Act.

Maximum penalty: Division 1 fine.

This subsection extends to a person who constructs or operates a pipeline through the agency or instrumentality of another.;

- (b) by inserting after subsection (6) the following subsection:

(7) A pipeline licence—

(a) can only be held by a body corporate (or two or more bodies corporate); and

(b) can only be held in respect of a pipeline owned by a body corporate (or two or more bodies corporate).

**Insertion of s. 80IA**

3. The following section is inserted after section 80I:

**Joint ventures**

**80IA.** (1) If a pipeline licence is granted to the participants in a joint venture, the participants are jointly and severally liable to the obligations under this Act.

(2) The participants in the joint venture may from time to time give the Minister written notice of a representative (who may—but need not be—a participant in the joint venture) who is authorised to give and receive notices on their behalf.

(3) A notice given by or to the authorised representative is taken to have been given by or to all participants in the joint venture.

(4) If no representative is currently nominated under this section, a notice given to any one of the participants in the joint venture is taken to have been given to all.

(5) A joint venture includes a partnership.

(6) This section is subject to any contrary provision made by statute or included in a licence.

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**Amendment of s. 80J—Acquisition of land**

4. Section 80J is amended by inserting after subsection (3) the following subsections:

(4) A statutory power to resume land subject to a lease under the *Crown Lands Act 1929* or the *Pastoral Land Management and Conservation Act 1989* for a public work or public purpose may be exercised as if land required for the construction or operation of a pipeline were land required for a public work or public purpose.

(4a) An easement acquired for the construction or operation of a pipeline is an easement in gross that does not depend on the existence of a dominant tenement.

**Insertion of ss. 80QA—80QC**

5. The following sections are inserted after section 80Q:

**Pipeline to be chattel**

80QA. A pipeline is a chattel and capable of being acquired, owned, dealt with and disposed of as such.

**Separate dealing with pipeline**

80QB. Unless the Minister gives written consent, a pipeline cannot be transferred, mortgaged, or otherwise dealt with separately from the pipeline land related to the pipeline, nor can pipeline land be transferred, mortgaged or dealt with separately from the pipeline to which it relates.

**Resumption of pipeline**

80QC. (1) If a pipeline for which a licence was granted is not used for the transportation of petroleum for a continuous period of more than 3 years, the Minister may give written notice of intention to resume the pipeline and the pipeline land.

(2) The notice—

(a) may be given whether or not a pipeline licence remains in force for the pipeline (but if a licence is in force, the notice terminates the licence); and

(b) must be given to the owner of, and other persons interested in, the pipeline and the related pipeline land.

(3) The owner of the pipeline may within 6 months after the notice is given take up and remove the pipeline and associated structures (wholly or in part) and restore the relevant land as far as practicable to its former condition.

(4) After the six month period has ended, the Minister may exercise either or both of the following powers—

(a) the Minister may, by written notice given to the owner of the pipeline, require the owner, within a reasonable time stated in the notice, to remove buildings, structures and fixtures associated with the pipeline and to restore the land, as far as practicable, to its former condition;

(b) the Minister may, by notice published in the *Gazette*, vest the pipeline land and any buildings, structures and fixtures (including the pipeline) remaining on the land in the Crown.

(5) If the owner of the pipeline fails to comply with a notice under subsection (4)(a), the Minister may have the necessary work carried out and recover the cost of doing so from the owner.

(6) No compensation is payable for the divestiture of property under subsection (4)(b).

(7) If an easement is vested in the Crown under subsection (4)(b), the Minister may, by notice in the *Gazette*, surrender (and thus extinguish) the easement.

**Non-application to certain pipelines**

80QD. Sections 80QA, 80QB and 80QC have no application to the pipelines subject to Pipeline Licences Nos. 2 and 5, or the pipeline land relating to those pipelines.

**SCHEDULE 2**  
*Staff and Superannuation*

**Interpretation**

1. In this Schedule—

"**complying superannuation fund**" means a complying superannuation fund within the meaning of Part IX of the *Income Tax Assessment Act 1936* of the Commonwealth, as amended from time to time, other than the Fund under the *Superannuation Act 1988*;

"**employee**" includes officer;

"**new scheme contributor**" has the meaning given by the *Superannuation Act 1988*;

"**nominated employer**" in relation to a purchaser means a person who has been nominated by a purchaser as the employer of a transferring employee;

"**old scheme contributor**" has the meaning given by the *Superannuation Act 1988*;

"**purchaser**" means a purchaser of assets and liabilities from the Authority pursuant to a sale agreement made under this Act;

"**State Scheme**" means the Scheme within the meaning of the *Superannuation Act 1988*;

"**State Scheme contributor**" means a contributor within the meaning of the *Superannuation Act 1988*;

"**Superannuation Board**" means the South Australian Superannuation Board constituted under the *Superannuation Act 1988*;

"**transfer date**" in relation to a transferring employee means the date upon which that employee becomes the employee of a purchaser or nominated employer after having ceased to be the employee of the Authority;

"**transferring employee**" means an employee who transfers from employment of the Authority to the employment of a purchaser or nominated employer.

**Transfer of certain staff**

2. (1) This section applies to employees of the Authority who remain employees at the expiration of one month from the date of completion of the sale and purchase of the Moomba-Adelaide pipeline to a purchaser under this Act.

(2) The Commissioner for Public Employment may, by order in writing, transfer an employee or group of employees of the Authority to an administrative unit of the Public Service.

(3) An order under this section must be made within the period of three months commencing on the date of completion of the sale and purchase of the Moomba-Adelaide pipeline to a purchaser under this Act.

(4) A transfer under this section does not—

(a) affect the employee's remuneration; or

(b) interrupt continuity of service; or

(c) constitute a retrenchment or redundancy.

(5) A person who is transferred from the Authority to an administrative unit in the Public Service under this section is taken to have accrued as an employee of the administrative unit an entitlement to annual leave, sick leave and long service leave that is equivalent to the entitlements that the person had accrued, immediately before the transfer took effect, as an employee of the Authority.



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(6) A transfer under this section does not give rise to a right to any remedy or entitlement arising from cessation or change of employment.

**Superannuation—State Scheme contributors who have reached the age of 55 years**

3. (1) A State Scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date is taken, for the purposes of the *Superannuation Act 1988* (but for no other purpose)—

- (a) to have continued in the employment of the Authority until his or her employment with the purchaser or nominated employer is terminated for any reason; and
- (b) to have elected to make and to have made no contribution to the State Scheme after the transfer date.

(2) A State Scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date, is, on termination of his or her employment with the purchaser or a nominated employer for any reason other than death—

- (a) taken for the purposes of the *Superannuation Act 1988* (but for no other purpose) to have retired from the Authority on the date of termination of employment with the purchaser or nominated employer; and
- (b) entitled to a benefit under section 34 or 27 (as may be appropriate) of the *Superannuation Act 1988* (as modified under subsection (6)); and
- (c) in the case of a new scheme contributor—entitled to a further benefit under section 32A of the *Superannuation Act 1988*.

(3) Where an old scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date dies after the transfer date, a benefit must be paid in accordance with section 38 of the *Superannuation Act 1988* (as modified under subsection (6)).

(4) Where a new scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date dies after the transfer date, a benefit must be paid in accordance with section 32 of the *Superannuation Act 1988* (as modified under subsection (6)).

(5) Where a new scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date dies after the transfer date while in the employment of a purchaser or a nominated employer, a further benefit shall be paid pursuant to section 32A of the *Superannuation Act 1988*.

(6) For the purposes of subsections (2), (3) and (4)—

- (a) the item "FS" wherever appearing in section 32(3) and 34 of the *Superannuation Act 1988* has the following meaning:

FS is the contributor's actual or attributed salary (expressed as an amount per fortnight) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer; and

- (b) the item "FS" wherever appearing in sections 27, 32(2), 32(3a), 32(5) and 38 of the *Superannuation Act 1988* has the following meaning:

FS is the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer; and

(c) section 32(3a)(a)(i)(B) of the *Superannuation Act 1988* applies as if amended to read as follows:

(B) an amount equivalent to twice the amount of the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer; and

(d) section 34(5) of the *Superannuation Act 1988* applies as if amended to read as follows:

(5) The amount of a retirement pension will be the amount calculated under this section or 75% of the contributor's actual or attributed salary (expressed as an amount per fortnight) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer (whichever is the lesser); and

(e) the expressions "transfer date", "purchaser", "nominated employer" in the above provisions have the same meanings as in this Schedule.

(7) Despite the above provisions of this section, within one month after the transfer date, a State Scheme contributor who has reached the age of 55 years as at the transfer date may elect, by notice in writing to the Superannuation Board—

(a) in the case of an old scheme contributor—to receive a benefit under section 39A of the *Superannuation Act 1988*; and

(b) in the case of a new scheme contributor—to receive a benefit under section 28A of that Act.

(8) If a State Scheme contributor makes an election under subsection (7)—

(a) the contributor becomes entitled to a benefit under the relevant provision of the *Superannuation Act 1988* in accordance with the election (and subsections (1) to (6) of this section do not apply to the contributor); and

(b) on receipt of the relevant benefit, the contributor ceases to be a State Scheme contributor.

#### State Scheme contributors who have not reached the age of 55 years

4. (1) Within one month after the transfer date, a transferring employee who has not reached the age of 55 years as at the transfer date and who is an old scheme contributor may elect by notice in writing to the Superannuation Board, either—

(a) to have his or her accrued superannuation benefits preserved under section 39 of the *Superannuation Act 1988*; or

(b) to receive a benefit under section 39A of that Act.

(2) If a transferring employee who is an old scheme contributor fails to make an election under subsection (1) within one month after the transfer date, the employee is taken to have made an election under subsection (1)(a).

(3) Within one month after the transfer date, a transferring employee who has not reached the age of 55 years as at the transfer date and who is a new scheme contributor may elect by notice in writing to the Superannuation Board—

(a) to have his or her accrued superannuation benefits preserved under section 28 of the *Superannuation Act 1988*; or

(b) to receive a benefit under section 28A of that Act; or

(c) to carry over accrued superannuation benefits to some other complying superannuation fund.

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(4) If a transferring employee who is a new scheme contributor fails to make an election under subsection (3) within one month after the transfer date, the employee is taken to have made an election under subsection (3)(a).

(5) If a State Scheme contributor makes an election under subsection (1)(a) or (3)(a), the contributor will be taken for the purposes of the *Superannuation Act 1988* to have elected under section 39 or 28 of that Act (whichever may apply to the contributor) to preserve accrued benefits (and the relevant section will apply subject to this Schedule).

(6) Despite the provisions of section 39 or 28 of the *Superannuation Act 1988*, (whichever may apply to the contributor), where accrued benefits are preserved under that section in respect of a transferring employee who is a State Scheme contributor, those benefits shall not become payable until the employee—

- (a) ceases to be an employee of the purchaser or nominated employer and reaches the age of 55; or
- (b) dies; or
- (c) becomes totally and permanently incapacitated for work and ceases to be an employee of the purchaser or a nominated employer.

(7) If a State Scheme contributor makes an election under subsection (1)(b) or 3(b), the contributor will be taken for the purposes of the *Superannuation Act 1988* to have become entitled to a benefit under section 39A or 28A of that Act (whichever may apply to the contributor).

(8) If a new scheme contributor makes an election under subsection (3)(c), a payment must be made on behalf of the new scheme contributor to a complying superannuation fund nominated by the contributor and approved by the Superannuation Board of an amount under section 28(5) of the *Superannuation Act 1988*.

(9) On the making of a payment under subsection (7) or (8), the contributor concerned ceases to be a State Scheme contributor.

(10) For the purposes of this section—

- (a) the items "AFS" and "FS" wherever appearing in sections 28(4), 28(5) and 39(3) of the *Superannuation Act 1988* mean the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or the nominated employer; and
- (b) section 39(6)(b) of the *Superannuation Act 1988* applies as if amended to read as follows:
  - (b) the contributor's actual or attributed salary for the purposes of calculating the pension were that salary immediately before the transfer date adjusted to reflect changes in the Consumer Price Index between the transfer date and the date on which the pension first became payable;
- (c) the expressions "transfer date", "purchaser", "nominated employer" in the above provisions have the same meanings as in this Schedule.

**Non-application of certain provisions of the Superannuation Act 1988**

5. The provisions of Parts 4 and 5 of the *Superannuation Act 1988* apply to transferring employees only to the extent that they are made applicable by sections 3 and 4 of this Schedule.

**Extension of time**

6. If the Superannuation Board is of opinion that a limitation period referred to in this Schedule would unfairly prejudice a State Scheme contributor, the Board may extend the period as it applies to the contributor.

## SCHEDULE 3

## Description and Map of Statutory Easements

	Width (m)	Start Point	End Point
Mainline (1)	18 12 † 6 <sup>(1)</sup>	Middle of the insulating joint at the outlet of Moomba Meter Station, situate within section 717, Out of Hundreds (Strzelecki). (M1)	Survey marker above the pipeline situate on the north-western boundary of allotment 1 (DP 25326) <sup>(2)</sup> , Hundred of Munno Para, being south of the Gawler River. (M2)
Mainline (2)	15 10 † 5	Survey marker above the pipeline situate on the north-western boundary of allotment 1 (DP 25326), Hundred of Munno Para, being south of the Gawler River. (M2)	Survey marker above the pipeline situate on the south-eastern boundary of part section 3069 and the north-western boundary of Whites Road, suburb of Bolivar, Hundred of Port Adelaide. (M3)
Mainline (3)	18 12 † 6	Survey marker above the pipeline situate on the south-eastern boundary of part section 3069 and the north-western boundary of Whites Road, suburb of Bolivar, Hundred of Port Adelaide. (M3)	Centre line of Mainline Valve No. 30 at the inlet to Torrens Island Meter Station, situate within section 453, Hundred of Port Adelaide. (M4)
Taperoo Lateral	15 7.5 † 7.5	Tee on Mainline where the lateral to Taperoo branches off, situate within section 453, Hundred of Port Adelaide. (T1)	Centre line of 80 NB blow-off valve at the inlet to Taperoo Meter Station, situate within allotment 101 (FP 32808) <sup>(3)</sup> , Hundred of Port Adelaide. (T2)
Wasleys Loop (1)	25 16 † 9	Face of flange at the upstream end of the isolating valve to the scraper launcher at the outlet of Wasleys Pressure Reduction Station, situate within allotment 2, (DP 15928), Hundred of Grace. (L1)	Survey marker above the pipeline on the southern boundary of allotment 2 (DP 19550) and the northern boundary of Stanton Rd, suburb of Virginia, Hundred of Munno Para, being south of the Gawler River. (L2)
Wasleys Loop (2)	15 10 † 5	Survey marker above the pipeline on the southern boundary of allotment 2 (DP 19550) and the northern boundary of Stanton Rd, suburb of Virginia, Hundred of Munno Para, being south of the Gawler River. (L2)	Survey marker above the pipeline, situate on the western boundary of allotment 4 (FP 40178), Hundred of Port Adelaide, being on the east side of Bolivar Channel near St Kilda. (L3)
Wasleys Loop (3)	25 16 † 9	Survey marker above the pipeline, situate on the western boundary of allotment 4 (FP 40178), Hundred of Port Adelaide, being on the east side of Bolivar Channel near St Kilda. (L3)	Centre line of Mainline Valve No. 31L at the inlet to Torrens Island Meter Station situate within section 453, Hundred of Port Adelaide. (L4)

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	Width (m)	Start Point	End Point
Pt Pirie Lateral	15 5 ↑ 10	Tee on Mainline where the lateral to Pt Pirie branches off situate within section 278, Hundred of Whyte. (P1)	Face of 80 NB flange at the inlet to Pt Pirie Meter Station, situate within closed road A (RP 7019) <sup>(4)</sup> - CT 4089/955, Hundred of Pirie. (P2)
Whyalla Lateral	25 17 ↑ 8	Centre line of blow-off valve at the outlet of Bungama Pressure Reduction Station, situate within allotment 3 (DP 24997), Hundred of Pirie. (W1)	Face of flange at the downstream end of the scraper receiver isolating valve at the inlet to Whyalla Meter Station situate within allotment 6 (FP 15068), Hundreds of Cultana and Randell. (W2)
Pt Bonython Lateral	25 8 ↑ 17	Tee on Whyalla Lateral where the lateral to Pt Bonython branches off, situate within section 253, Hundred of Cultana. (Y1)	Centreline of the isolating valve at the inlet to Pt Bonython Meter Station, situate within section 239, Hundred of Cultana. (Y2)
Burra Lateral	15 7.5 ↑ 7.5	Tee on Mainline where the lateral to Burra branches off, situate within the road west of section 588, Hundred of Hanson. (B1)	Face of 50 NB flange at the inlet to Burra Meter Station, situate within allotment 2 (FP 1258), Hundred of Kooringa. (B2)
Peterborough Lateral	3 1.5 ↑ 1.5	Face of 80 NB flange at the outlet of Peterborough Meter Station, situate within allotment 11 (FP 34199), Hundred of Yongala. (E1)	Centre line of the isolating valve at the inlet to the Peterborough Power Station, situate within Kitchener Street, Peterborough township, adjacent to allotment 88 (DP 1050) Hundred of Yongala. (E2)
Mintaro Lateral	20 5 ↑ 15	Tee on Mainline where the lateral to Mintaro branches off, within allotment 3 (DP 12055) Hundred of Stanley. (O1)	Centre line of the isolating valve at the inlet to the Mintaro Meter Station, situate within allotment 3 (DP 12055), Hundred of Stanley. (O2)
Angaston Lateral (1)	15 4.5 ↑ 10.5	Tee on Mainline where the lateral to Angaston branches off in Wasleys Pressure Reduction Station, situate within allotment 2 (DP 15928), Hundred of Grace. (A1)	Survey marker above the pipeline situate on the north-western boundary of allotment 3 (DP 26607) and the south-eastern boundary of Seppeltsfield Road, Hundred of Nuriootpa. (A2)
Angaston Lateral (2)	12 3 ↑ 9	Survey marker above the pipeline situate on the north-western boundary of allotment 3 (DP 26607) and the south-eastern boundary of Seppeltsfield Road, Hundred of Nuriootpa. (A2)	Centreline of mainline valve at the inlet to Angaston Meter Station, situate within part section 67 (CT 3740/14), Hundred of Moorooroo. (A3)
Nuriootpa Lateral	5 3.5 ↑ 1.5	Face of 80 NB insulating flange at the outlet of the Nuriootpa Meter Station, situate within section 71, Hundred of Moorooroo. (N1)	Upstream face of the insulating flange adjacent to Nuriootpa township isolating valve, situate within the road adjoining section 136, Hundred of Moorooroo. (N2)

	Width (m)	Start Point	End Point
Tarac Lateral	3 1.5 ↑ 1.5	Tee on Nuriootpa Lateral where the lateral to Tarac branches off, situate within the road adjoining section 136, Hundred of Moorooroo. (R1)	Face of insulating flange at the inlet to Tarac Meter Station, situate within section 136, Hundred of Moorooroo. (R2)
Dry Creek Lateral	3 0.9 ↑ 2.1	Centre line of 300 NB underground valve at the outlet of Dry Creek Meter Station, situate within section 482, Hundred of Port Adelaide. (C1)	Downstream end of underground isolating valve in Dry Creek Power Station, situate within allotment 16 (FP 9554), Hundred of Port Adelaide. (C2)
Safries Lateral	20 10 ↑ 10	Tee on Snuggery Lateral where the lateral to Safries branches off, situate within section 163, Hundred of Monbulla. (F1)	Face of flange at the downstream end of the isolating valve at the inlet to Safries Meter Station, situate within section 423, Hundred of Penola. (F2)
Snuggery Lateral	20 8 ↑ 12	Face of insulating flange at the outlet of Katnook processing plant, situate within section 336, Hundred of Monbulla. (S1)	Face of flange at the downstream end of isolating valve of scraper receiver at inlet to Kimberly Clark Australia Meter Station, situate within allotment 50, (DP 31712), Hundred of Hindmarsh. (S2)
Mt Gambier Lateral (1)	20 12 ↑ 8	Tee on Snuggery Lateral at Glencoe Junction where the lateral to Mt Gambier branches off situate within allotment 11 (DP 31711), Hundred of Young. (G1)	Face of flange at the downstream end of the isolating valve of the scraper receiver at the inlet to Mt Gambier Meter Station, situate within allotment 1 (DP 31778), Hundred of Blanche. (G2)
Mt Gambier Lateral (2)	20 12 ↑ 8	Downstream end of tee at the outlet of Mt Gambier Meter Station, situate within allotment 1 (DP 31778), Hundred of Blanche. (G3)	Centre of the insulating joint where the responsibility for the gas transfers to the Customer, situate within section 685, Hundred of Blanche and being north of Pinehall Avenue. (G4)

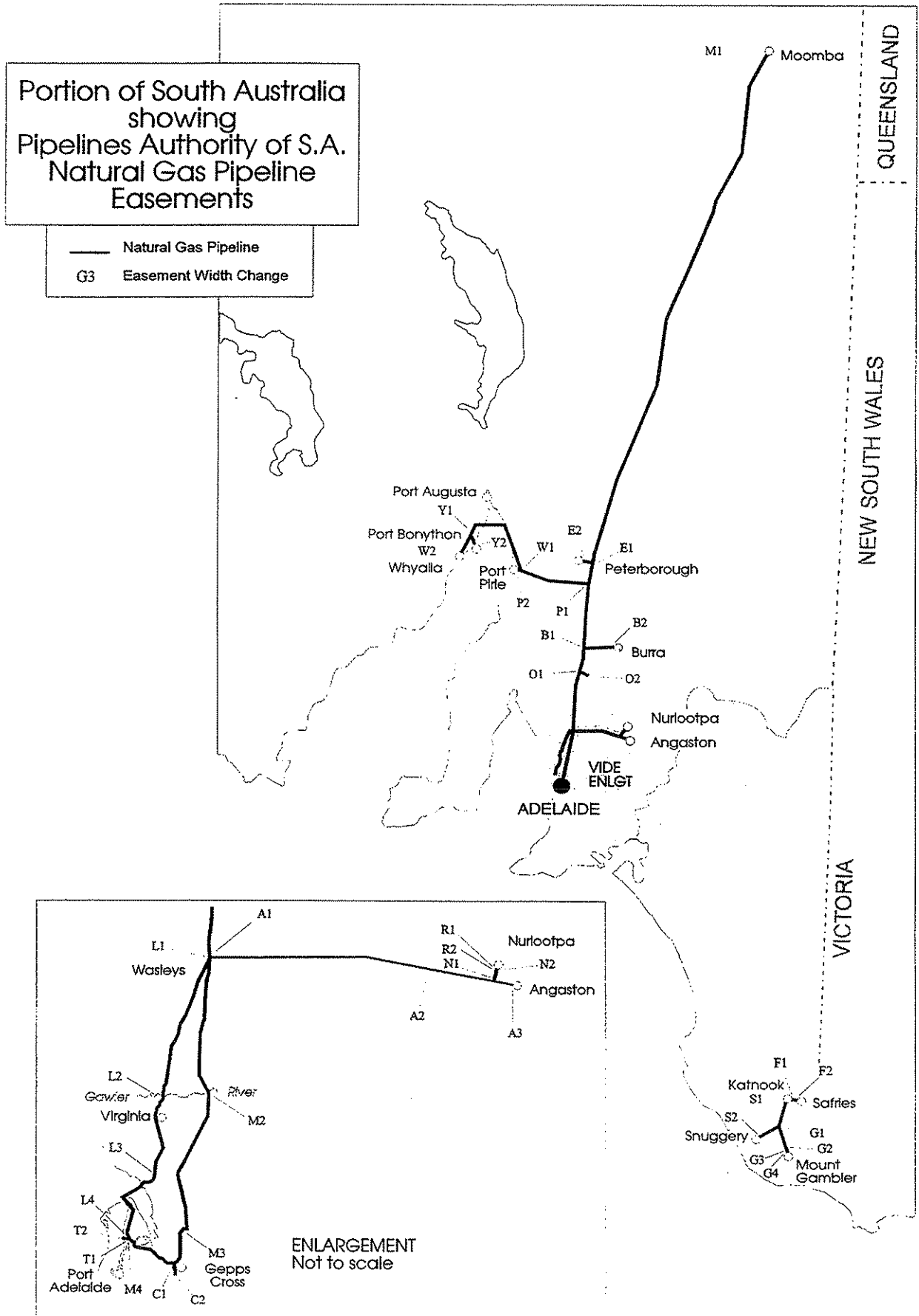
Notes: (1) The arrow represents the normal direction of flow of the gas as of the date of the legislation. The figures indicate the width of the Statutory Easement on each side of the centreline of the pipeline looking in the direction of the flow.

(2) DP denotes deposited plan in the Lands Titles Registration Office.

(3) FP denotes filed plan in the Lands Titles Registration Office.

(4) RP denotes road plan in the Lands Titles Registration Office.

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## APPENDIX 1

### LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of The Public General Acts of South Australia 1837-1975 at page 320.
- Legislative history since 3 February 1976 (entries in bold type indicate amendments incorporated since the last reprint) is as follows:

Long title:	amended by 75, 1990, s. 3
Part 1 heading:	inserted by 44, 1995, s. 3
Section 3:	definition of "adjustment period" inserted by 44, 1995, s. 5(1) definition of "asset" inserted by 44, 1995, s. 5(1) definition of "designated pipeline" inserted by 44, 1995, s. 5(1) definition of "Katnook pipeline" inserted by 44, 1995, s. 5(1) definition of "liability" inserted by 44, 1995, s. 5(1) definition of "Minister" inserted by 44, 1995, s. 5(1) definition of "Moomba-Adelaide pipeline" inserted by 44, 1995, s. 5(1) definition of "operator" inserted by 44, 1995, s. 5(1) definition of "outlying land" inserted by 44, 1995, s. 5(1) definition of "petroleum" amended by 16, 1977, s. 2, definition of "pipeline lease" inserted by 44, 1995, s. 5(1) definition of "servient land" inserted by 44, 1995, s. 5(1) definition of "transferred asset" inserted by 44, 1995, s. 5(1) definition of "transferred liability" inserted by 44, 1995, s. 5(1)
Section 4(1a):	inserted by 103, 1985, s. 2(a)
Section 4(8):	substituted by 103, 1985, s. 2(b)
Section 9(4):	amended by 114, 1978, s. 2
Section 10(1):	amended by 16, 1977, s. 3; 72, 1981, s. 2; 75, 1990, s. 4(a)-(c)
Section 10(1a):	inserted by 75, 1990, s. 4(d)
Section 10(2):	amended by 75, 1990, s. 4(e), (f)
Section 10AA:	inserted by 16, 1977, s. 4, amended by 114, 1978, s. 3; substituted by 91, 1983, s. 2
Section 11:	substituted by 16, 1977, s. 5
Section 12(1):	substituted by 72, 1981, s. 3
Section 12(2):	substituted by 114, 1978, s. 4
Section 14(1):	amended by 16, 1977, s. 6(a)
Section 14(5):	amended by 16, 1977, s. 6(b)
Section 15(5):	inserted by 114, 1978, s. 5
Section 16(4) and (5):	substituted by 13, 1987, s. 8
Section 17(3) and (4):	inserted by 72, 1981, s. 4
Section 20:	inserted by 62, 1980, s. 2
	<b>Part 4 comprising ss. 21 - 27 and heading inserted by 44, 1995, s. 10</b>
	<b>Part 5 comprising ss. 28 - 35 and heading inserted by 44, 1995, s. 10</b>
	<b>Part 7 comprising ss. 37 - 50 and heading inserted by 44, 1995, s. 10</b>
Schedules 1 - 3:	inserted by 44, 1995, s. 12



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## APPENDIX 2

## DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*