

South Australia

Natural Gas Authority Act 1967

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.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Natural Gas Authority Act 1967*.

3—Interpretation

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;

Authority means the body corporate established as the *Pipelines Authority of South Australia* which continues in existence as the *Natural Gas Authority of South Australia*;

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 2;

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);

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;

Moomba-Adelaide pipeline means the Moomba-Adelaide pipeline (including all branches and laterals) delineated in Schedule 2;

operator of a pipeline means the body corporate¹ licensed under the *Petroleum Act 1940* to operate the pipeline;

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 26;

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

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

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

Note—

- 1 The operator of a pipeline must be a body corporate—*See Petroleum Act 1940*, section 80D(7).

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—The Authority

4—The Authority

The Authority continues as the *Natural Gas Authority of South Australia*.

5—The Authority's corporate status and capacity

- (1) The Authority is a body corporate.
- (2) The Authority has the legal capacity of a natural person of full age and capacity.
- (3) The Authority has a common seal.
- (4) The common seal may be affixed to a document on the Minister's authority.
- (5) A document apparently bearing the common seal of the Authority will be presumed, in the absence of evidence to the contrary, to have been duly executed by the Authority.

6—Constitution of the Authority

The Authority is constituted of the Minister.

7—Authority to hold its property for the Crown

The Authority holds its property for and on behalf of the Crown.

Part 3—Functions and powers of Authority

8—Functions of the Authority

The Authority has the following functions:

- (a) to buy and sell petroleum;
- (b) to convey and deliver petroleum to a purchaser;
- (c) to complete outstanding obligations incurred before the commencement of this section (including obligations relating to the construction, maintenance and operation of pipelines);
- (d) to do anything incidental to the above.

Part 4—Statutory easements

9—Creation of statutory easements

- (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.]

10—Land subject to statutory easement

- (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 2; and
 - (b) from the centreline of the pipeline on both sides of the pipeline for the distances specified in Schedule 2.
- (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.

11—Rights conferred by statutory easement

- (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, to carry out authorised purposes related to the associated equipment, and to carry out work on outlying land related to the installation, maintenance, repair or replacement of a pipeline across the servient land; 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.]

- (1a) Any associated equipment installed on or under the servient or outlying land for the purposes of this section remains the property of the owner of the pipeline.
- (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; and

- (e) telecommunications equipment.
- (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.

12—Effect of statutory easement on existing interests etc

- (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.

13—Registrar-General to note statutory easement

- (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.

14—Registration of statutory easement or part of statutory easement

- (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.

15—Minimisation of damage etc

- (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.

15A—Notice of prescribed works on land subject to statutory easement

- (1) An owner or occupier of servient land must not carry out or permit the carrying out of prescribed works on or under the servient land without the prior written consent of the owner of the pipeline on the land.
Maximum penalty: \$60 000.
- (2) If an owner or occupier of servient land proposes to carry out or permit the carrying out of prescribed works on or under the servient land, the owner or occupier must, at least 21 days before the date on which proposed prescribed works are to be carried out, by notice in writing to the owner of the pipeline—
 - (a) advise of the owner or occupier's intent to carry out prescribed works; and
 - (b) specify the nature of the prescribed works to be carried out.
- (3) Subject to subsection (5), the owner of the pipeline must, by notice in writing to the owner or occupier of servient land (as the case requires), within 14 days after receiving a notice under subsection (2) (or such longer time as agreed between the parties), consent or object to the proposed prescribed works.
- (4) The owner of the pipeline may consent to the proposed prescribed works on conditions as agreed between the parties and set out in a notice under subsection (3).
- (5) The owner of the pipeline must not object to the prescribed works unless the owner is of the opinion that the prescribed works would interfere with the safety or operation of the pipeline or associated equipment (within the meaning of section 11(3)).
- (6) The owner of the pipeline must set out the reasons for the objection in a notice under subsection (3).
- (7) If the owner of the pipeline gives notice of an objection, the owner of the pipeline must notify the Minister of the objection.
- (8) If notice of an objection to the prescribed works is given, the Minister may attempt to mediate between the parties in order to arrive at mutually satisfactory terms under which the owner or occupier of servient land may carry out the prescribed works.
- (9) If the Minister decides to attempt to mediate between the parties under subsection (8), the Minister must give the parties notice of his or her decision to do so within 21 days of receipt of the notice relating to the dispute under subsection (7), (and, for the purposes of subsection (10), if the Minister does not give the parties a notice within the 21 day period, it will be taken that the Minister has decided against attempting to reach a settlement of the dispute by mediation).
- (10) If—
 - (a) the Minister decides against attempting to reach a settlement of the dispute by mediation; or

- (b) an attempt is made but the dispute is not resolved within a period specified by the Minister,

either the owner or occupier of servient land or the owner of the pipeline may apply to the court for a resolution of the dispute.

- (11) The court may, on an application under this section—
 - (a) confirm the notice of objection; or
 - (b) revoke the notice of objection and determine terms under which the owner or occupier of servient land may carry out the prescribed works; or
 - (c) remit the matter to the parties to the dispute for further consideration; or
 - (d) make any consequential or ancillary order or direction, or impose any condition, that the court considers necessary or expedient on account of an application under this section.
- (12) The Minister may, by instrument in writing, delegate to a person (including a person for the time being holding or acting in a particular position) a function or power of the Minister under this section.
- (13) A delegation under subsection (12)—
 - (a) may be absolute or conditional; and
 - (b) does not derogate from the power of the Minister to act in a matter; and
 - (c) is revocable at will by the Minister; and
 - (d) may not be further delegated.

- (14) In this section—

court means the Warden's Court;

occupier includes a person with a right to occupy the servient land, or a licensee or any holder of a right to use or carry on operations or activities on the servient land, but does not include a mortgagee in possession unless the mortgagee assumes active management of the servient land;

owner, in relation to servient land, means—

- (a) if the land is unalienated from the Crown—the Crown; or
- (b) if the land is alienated from the Crown by grant in fee simple—the owner (at law or in equity) of the estate in fee simple; or
- (c) if the land is held from the Crown by lease or licence—the lessee or licensee; or
- (d) if the land is held from the Crown under an agreement to purchase—the person who has the right to purchase;

prescribed works means—

- (a) excavating, drilling, installing or erecting any pit, well, foundation, pavement or other structure; or
- (b) disturbing or altering the grades and contours of the servient land; or
- (c) planting of trees or shrubs; or

- (d) storing plant, machinery, equipment or materials; or
- (e) using explosives.

Part 5—Sale of pipelines etc

16—Sale of assets

- (1) The Treasurer may, by agreement (a *sale agreement*) with another (the *purchaser*), transfer assets¹ 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.²
- (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.

Notes—

- 1 The transfer of ownership of a pipeline operates automatically to transfer the relevant statutory easement (See section 9(4)).
- 2 See section 7.

17—Transferred instruments

- (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.

18—Grant of pipeline licence

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

19—Registrar's duty to record vesting of land

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.

20—Evidence

- (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.

21—Saving provision

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.

22—Industries Development Committee to be informed of proposed sale contract

- (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.

Penalty: Division 4 fine.

- (4) Section 20¹ 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.

Note—

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

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

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.

Part 6—Dissolution of the Authority

24—Dissolution of the Authority

- (1) The Governor may, by proclamation—
- (a) dissolve the Authority; and
 - (b) vest any of its remaining assets and liabilities in an authority or person nominated in the same or a later proclamation.
- (2) Assets and liabilities remaining after dissolution of the Authority, and disposition of its assets and liabilities under subsection (1), vest in the Crown.
- (3) After dissolution of the Authority, any statutory powers that might have been exercised by the Authority if it had continued in existence, are exercisable by the Minister.

Part 7—Miscellaneous

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

- (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.

26—Pipeline leases

- (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*.

27—Grant of licences etc by the Authority

- (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 enactment¹ is transferred to another, the licence or authorisation remains in force.

Note—

- 1 Ie section 17(3) & (4) of this Act as it existed before its repeal by the *Pipelines Authority (Sale of Pipelines) Amendment Act 1995*.

28—Aboriginal interests

- (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.

29—Minister's power to qualify statutory rights

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.

30—Interaction between this Act and other Acts

- (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 enactment¹).
- (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.

Note—

- 1 Part 10 of the *Land Agents, Brokers and Valuers Act 1973*.

31—Joint ventures

- (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.

32—Exclusion of liability

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.

33—Authority's immunities

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.

34—Exclusion of rules governing easements in gross

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.

35—Disposal of assets and liabilities

- (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.

36—Protection for disclosure and use of information etc

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

37—Evidentiary provision

- (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.

38—Regulations

- (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—Staff and superannuation

1—Interpretation

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.

2—Transfer of certain staff

- (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.
- (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.

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

- (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.

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

- (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.
- (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.

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

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.

6—Extension of time

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 2—Description and map of statutory easements

	Width (m)	Start Point	End Point
Mainline (1)	18 12 ↑ 6 ¹	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) ² , Hundred of Munno Para, being south of the Gawler River. (M2)

	Width (m)	Start Point	End Point
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) ³ , 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)
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) ⁴ - 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

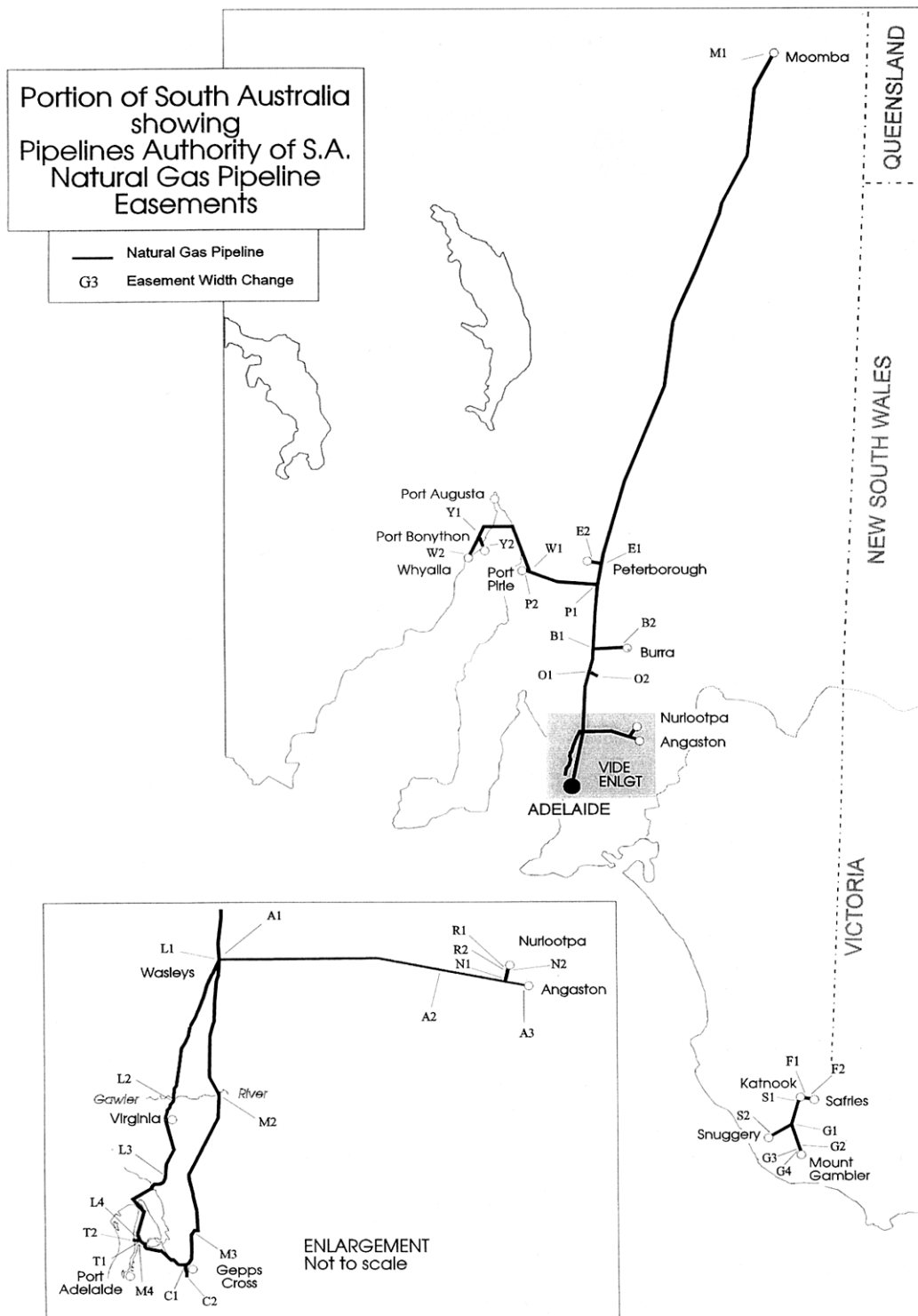
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	Width (m)	Start Point	End Point
			Randell. (W2)
Pt Bonython Lateral	25 8 ↑ 17	Tee on Whyalla Lateral where the lateral to Pt Bonython branches off, situate within section 253, Hundred of Cultana. (Y1)	Centreline of the isolating valve at the inlet 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)
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,	Downstream end of underground isolating valve in Dry Creek Power Station, situate within allotment 16 (FP 9554), Hundred

	Width (m)	Start Point	End Point
		Hundred of Port Adelaide. (C1)	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 Monbullia. (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 Monbullia. (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.



Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Formerly

Pipelines Authority Act 1967

Legislation amended by principal Act

The *Natural Gas Authority Act 1967* amended the following:

Petroleum Act 1940

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1967	3	<i>Natural Gas Pipelines Authority Act 1967</i>	23.3.1967	20.4.1967 (<i>Gazette 20.4.1967 p1343</i>)
1974	125	<i>Natural Gas Pipelines Authority Act Amendment Act 1974</i>	12.12.1974	1.1.1975 (<i>Gazette 19.12.1974 p3766</i>)
1977	16	<i>Pipelines Authority Act Amendment Act 1977</i>	5.5.1977	5.5.1977
1978	114	<i>Pipelines Authority Act Amendment Act 1978</i>	7.12.1978	7.12.1978
1980	62	<i>Pipelines Authority Act Amendment Act 1980</i>	2.10.1980	2.10.1980
1981	72	<i>Pipelines Authority Act Amendment Act 1981</i>	5.11.1981	5.11.1981
1983	91	<i>Pipelines Authority Act Amendment Act 1983</i>	8.12.1983	8.12.1983
1985	103	<i>Statutes Amendment (Energy Planning) Act 1985</i>	7.11.1985	7.11.1985
1987	13	<i>Statutes Amendment (Finance and Audit) Act 1987</i>	9.4.1987	1.10.1987 (<i>Gazette 17.9.1987 p886</i>)
1990	75	<i>Pipelines Authority Act Amendment Act 1990</i>	20.12.1990	20.12.1990 (<i>Gazette 20.12.1990 p1841</i>)

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Legislative history

1995	44	<i>Pipelines Authority (Sale of Pipelines) Amendment Act 1995</i>	11.5.1995	1.6.1995 (<i>Gazette 1.6.1995 p2529</i>) except ss 4, 5(2), 6, 7, 8(1) (but only the repeal of s 14 of principal Act), 9 and new Pt 6 of principal Act (as inserted by s 10)—1.9.1995 (<i>Gazette 24.8.1995 p499</i>) and except ss 8(1) (but only the repeal of s 12 of principal Act), (2) and 11—11.5.1997 (s 7(5) <i>Acts Interpretation Act 1915</i>)
2015	12	<i>Natural Gas Authority (Notice of Works) Amendment Act 2015</i>	9.7.2015	1.1.2016 (<i>Gazette 17.12.2015 p5266</i>)
2016	29	<i>Real Property (Electronic Conveyancing) Amendment Act 2016</i>	16.6.2016	Sch 2—4.7.2016 (<i>Gazette 30.6.2016 p2761</i>)

Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 75/1990 s 3	20.12.1990
Pt 1	heading inserted by 44/1995 s 3	1.6.1995
s 1	substituted by 44/1995 s 4	1.9.1995
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	..
s 3	s 3(1) renumbered as s 3 by 45/1995 s 11	1.5.1997
adjustment period	inserted by 44/1995 s 5(1)	1.6.1995
asset	inserted by 44/1995 s 5(1)	1.6.1995
Authority	inserted by 44/1995 s 5(2)(a)	1.9.1995
<i>deputy</i>	<i>deleted by 44/1995 s 5(2)(b)</i>	<i>1.9.1995</i>
designated pipeline	inserted by 44/1995 s 5(1)	1.6.1995
Katnook pipeline	inserted by 44/1995 s 5(1)	1.6.1995
liability	inserted by 44/1995 s 5(1)	1.6.1995
<i>member</i>	<i>deleted by 44/1995 s 5(2)(b)</i>	<i>1.9.1995</i>
Minister	inserted by 44/1995 s 5(1)	1.6.1995
Moomba-Adelaide pipeline	inserted by 44/1995 s 5(1)	1.6.1995
operator	inserted by 44/1995 s 5(1)	1.6.1995
outlying land	inserted by 44/1995 s 5(1)	1.6.1995
petroleum	amended by 16/1977 s 2	5.5.1977
pipeline lease	inserted by 44/1995 s 5(1)	1.6.1995
servient land	inserted by 44/1995 s 5(1)	1.6.1995
<i>the Authority</i>	<i>deleted by 44/1995 s 5(2)(b)</i>	<i>1.9.1995</i>
<i>the chairman</i>	<i>deleted by 44/1995 s 5(2)(b)</i>	<i>1.9.1995</i>

transferred asset	inserted by 44/1995 s 5(1)	1.6.1995
transferred liability	inserted by 44/1995 s 5(1)	1.6.1995
s 4	<i>amended by 103/1985 s 2</i>	7.11.1985
	<i>deleted by 44/1995 s 6</i>	1.9.1995
ss 4A—8	<i>deleted by 44/1995 s 6</i>	1.9.1995
s 9	<i>amended by 114/1978 s 2</i>	7.12.1978
	<i>deleted by 44/1995 s 11</i>	11.5.1997
s 10	<i>amended by 16/1977 s 3</i>	5.5.1977
	<i>amended by 72/1981 s 2</i>	5.11.1981
	<i>amended by 75/1990 s 4</i>	20.12.1990
	<i>deleted by 44/1995 s 7</i>	1.9.1995
s 10AA	<i>inserted by 16/1977 s 4</i>	5.5.1977
	<i>amended by 114/1978 s 3</i>	7.12.1978
	<i>substituted by 91/1983 s 2</i>	8.12.1983
	<i>deleted by 44/1995 s 7</i>	1.9.1995
s 10A	<i>deleted by 44/1995 s 7</i>	1.9.1995
s 11	<i>substituted by 16/1977 s 5</i>	5.5.1977
	<i>deleted by 44/1995 s 7</i>	1.9.1995
s 12	<i>amended by 114/1978 s 4</i>	7.12.1978
	<i>amended by 72/1981 s 3</i>	5.11.1981
	<i>deleted by 44/1995 s 8(1)</i>	11.5.1997
s 14	<i>amended by 16/1977 s 6</i>	5.5.1977
	<i>deleted by 44/1995 s 8(1)</i>	1.9.1995
s 15	<i>amended by 114/1978 s 5</i>	7.12.1978
	<i>deleted by 44/1995 s 9</i>	1.9.1995
s 16	<i>amended by 13/1987 s 8</i>	1.10.1987
	<i>deleted by 44/1995 s 9</i>	1.9.1995
s 17	<i>amended by 72/1981 s 4</i>	5.11.1981
	<i>deleted by 44/1995 s 9</i>	1.9.1995
ss 18 and 19	<i>deleted by 44/1995 s 9</i>	1.9.1995
s 20	<i>inserted by 62/1980 s 2</i>	2.10.1980
	<i>deleted by 44/1995 s 9</i>	1.9.1995
Pt 2	inserted by 44/1995 s 6	1.9.1995
Pt 3	inserted by 44/1995 s 7	1.9.1995
Pt 4	inserted by 44/1995 s 10	1.6.1995
s 11		
s 11(1)	amended by 12/2015 s 4(1), (2)	1.1.2016
s 11(1a)	inserted by 12/2015 s 4(3)	1.1.2016
s 11(3)		
Associated equipment	amended by 12/2015 s 4(4)	1.1.2016
s 15A	inserted by 12/2015 s 5	1.1.2016
Pt 5	inserted by 44/1995 s 10	1.6.1995

Pt 6	inserted by 44/1995 s 10	1.9.1995
Pt 7	inserted by 44/1995 s 10	1.6.1995
Sch 1	<i>inserted by 44/1995 s 12</i>	<i>1.6.1995</i>
	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>	<i>11.5.1997</i>
Sch 1	Sch 2 inserted by 44/1995 s 12	1.6.1995
	Sch 2 renumbered as Sch 1 by 44/1995 s 11	1.5.1997
Sch 2	Sch 3 inserted by 44/1995 s 12	1.6.1995
	Sch 3 renumbered as Sch 2 by 44/1995 s 11	1.5.1997

Transitional etc provisions associated with Act or amendments

Pipelines Authority (Sale of Pipelines) Amendment Act 1995

8—Repeal of ss. 12 & 14

- (2) However, despite the repeal of section 12 of the principal Act, proceedings for the acquisition of land that had been started but not completed before the repeal took effect may be continued and completed as if the section had not been repealed.

Pipelines Authority (Sale of Pipelines) Amendment Act 1995

11—Renumbering

When all provisions of this amending Act have been brought into operation, the sections of the principal Act are to be renumbered in consecutive order (with necessary consequential changes to cross-numbering).

Historical versions

Reprint No 1—15.11.1991

Reprint No. 2—1.6.1995

Reprint No. 3—1.9.1995

Reprint No. 4—11.5.1997

Appendix—Divisional penalties and expiation fees

At the date of publication of this version 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

Division	Maximum imprisonment	Maximum fine	Expiation fee
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.