

South Australia

## Natural Gas Authority Regulations 1995

under the *Natural Gas Authority Act 1967*

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#### 1—Short title

These regulations may be cited as the *Natural Gas Authority Regulations 1995*.

#### 2—Commencement

These regulations will come into operation on the day on which they are made.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Natural Gas Authority Act 1967*.

#### 4—Form of pipeline lease

For the purposes of section 38 of the Act, the form set out in the Schedule is the prescribed form for a pipeline lease.

## Schedule—Prescribed form of pipeline lease

South [Royal Arms] Australia

### Crown lease (pipeline)

- 1 The Minister leases to [*name of lessee*] all the land [*description of land*] to be held in perpetuity at the yearly rent of 10 dollars payable [*date of payment*] if demanded on that day.
- 2 This lease is subject to the reservations, covenants and conditions set out below.

### Reservations

- 3<sup>1</sup> There is reserved to the Crown a full and free right (without incurring liability to the lessee for compensation)—
  - (a) to enter the land from time to time for the purpose of—
    - (i) laying pipelines (as defined in the *Petroleum Act 1940*) or pipeline tracks west of the western boundary of the servient land of the statutory easement for the Moomba-Adelaide pipeline; and
    - (ii) constructing associated earthworks; and
    - (iii) inspecting, cleaning, maintaining or repairing existing or future pipelines, pipeline tracks or earthworks; and
  - (b) to convey liquid or gas through the pipelines.

[<sup>1</sup> This reservation is to be inserted (if applicable) in a lease granted for purposes connected with the construction, maintenance and operation of a compressor station.]
- 4 There is reserved to the Crown—
  - (a) all gold, silver, copper, tin and other metals and all ores and other substances containing metals; and
  - (b) all gems, precious stones, coal, mineral oils, live and dead timber, stone and sand,  
found on or in the land.
- 5 There is reserved to all persons—
  - (a) the right to use all existing and future public roads, paths and rights of way on the land; and
  - (b) the right to cross the land with travelling stock, subject to and in accordance with any Act that deals with travelling stock.
- 6 There is reserved to any person who holds a pastoral lease under the *Pastoral Land Management and Conservation Act 1989* over land adjacent to the land subject to this lease a full and free right to graze stock on the land (except for those parts of the land on which structures have been lawfully erected) and, for the purpose of watering any such stock, to have access to springs and surface waters on the land.

### **Covenants**

- 7 The lessee must comply with the following Acts:
- (a) the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*;
  - (b) the *Native Vegetation Act 1991*;
  - (c) the *Noxious Insects Act 1934*;
  - (d) the *Soil Conservation and Land Care Act 1989*;
  - (e) the *Water Resources Act 1990*.
- 8 The lessee must not use the land for any purpose other than purposes connected with the construction, maintenance and operation of—
- \* (a) compressor stations ancillary to the pipeline to which this lease relates;
  - \* (b) residential accommodation facilities for persons working on the maintenance or operation of the pipeline;
  - \* (c) an airstrip required in relation to maintaining and operating the pipeline;
  - \* (d) a communications tower required in relation to maintaining and operating the pipeline.
- [\* Delete whatever is not applicable]
- 9 The lessee is liable for all rates, taxes, imposts and outgoings payable in respect of the land.
- 10 The lessee must not—
- (a) assign or otherwise deal with the lease without the prior written approval of the Minister; or
  - (b) cause, suffer or permit fences to be erected or remain on the land, except where required for securing improvements; or
  - (c) hinder or obstruct a person in the lawful exercise of a right pursuant to a reservation under this lease.
- 11 [Insert here any other covenants]

### **Conditions**

- 12 (1) This lease is liable to cancellation and forfeiture in accordance with section 59 of the *Crown Lands Act 1929* for breach of covenant, but not otherwise.
- (2) The Minister will not take action under that section to cancel this lease for breach of covenant unless the lessee has been given written notice of the breach and has failed to remedy the breach within the period specified in the notice (being a period of not less than 3 months).
- 13 The whole or any part of the land included in this lease may be resumed by the Minister for a public purpose (see section 53 of the *Crown Lands Act 1929*).

IN WITNESS of the above agreement the common seal of the Minister and the common seal of the lessee are affixed this ..... day of ..... 20 .....

(Minister's common seal) .....

(Lessee's common seal) .....

.....

Notes—

- 1 This lease is a perpetual lease under the *Crown Lands Act 1929* and that Act applies accordingly (see section 38 of the *Natural Gas Authority Act 1967*).
- 2 The grant of this lease does not affect any native title that may exist in the land, nor does it derogate from pre-existing rights of Aboriginal people to enter, travel across or stay on the land (see section 40 of the *Natural Gas Authority Act 1967*).
- 3 Notices to be served on the lessee will be served in accordance with section 64 of the *Crown Lands Act 1929*.
- 4 If the pipeline to which this lease relates (not being a pipeline subject to Pipeline Licence 2 or 5) is resumed under section 80QC of the *Petroleum Act 1940*, this lease will also be resumed under that section.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Formerly

*Pipelines Authority Regulations 1995*

### Principal regulations and variations

New entries appear in bold.

| Year | No  | Reference                      | Commencement              |
|------|-----|--------------------------------|---------------------------|
| 1995 | 114 | <i>Gazette 1.6.1995 p2570</i>  | 1.6.1995: r 2             |
| 2003 | 147 | <i>Gazette 12.6.2003 p2500</i> | 12.6.2003: r 2            |
| 2005 | 154 | <i>Gazette 30.6.2005 p2239</i> | Pt 7 (r 12)—1.7.2005: r 2 |

### Provisions varied

New entries appear in bold.

| Provision | How varied                            | Commencement |
|-----------|---------------------------------------|--------------|
| r 1       | substituted by 147/2003 Sch 1         | 12.6.2003    |
| r 3       |                                       |              |
| the Act   | varied by 147/2003 Sch 1              | 12.6.2003    |
| Sch       | heading substituted by 147/2003 Sch 1 | 12.6.2003    |
|           | varied by 147/2003 Sch 1              | 12.6.2003    |