



Moomba-Sydney Pipeline System Sale Act 1994

No. 70, 1994

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About this compilation

This is a compilation of the *Moomba-Sydney Pipeline System Sale Act 1994* that shows the text of the law as amended and in force on 19 April 2011 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the sale of the Moomba-Sydney pipeline system, and for related purposes

Part 1—Preliminary

Division 1—Short title and commencement

1 Short title

This Act may be cited as the *Moomba-Sydney Pipeline System Sale Act 1994*.

2 Commencement

- (1) Sections 1, 2, 3, 4, 6 and 7 commence on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act commence on the sale day.
- (3) If:
 - (a) the Commonwealth and Newco do not enter into an agreement on the sale day for the sale of the Moomba-Sydney pipeline system by the Commonwealth; or
 - (b) if the agreement is entered into but Newco does not pay the Commonwealth the amount it is required to pay the Commonwealth on the sale day under the agreement;the remaining provisions of this Act are taken never to have commenced.

Division 2—Definitions and binding the Crown

3 Definitions

- (1) In this Act, unless the contrary intention appears:

AGL means The Australian Gas Light Company.

asset means:

- (a) any legal or equitable estate or interest in real or personal property, including a contingent or prospective one; and
- (b) any right, privilege or immunity, including a contingent or prospective one;

but does not include a Commonwealth record under the *Archives Act 1983*.

asset purchase agreement means the agreement made between the Commonwealth and Newco on the sale day for the sale of the Moomba-Sydney pipeline system.

authorised person means:

- (a) the Minister; or
- (b) a person authorised by the Minister, in writing, for the purposes of this Act.

Authority means the Pipeline Authority established by the *Pipeline Authority Act 1973*.

Authority instrument means an instrument that is specified in Schedule 3 to the asset purchase agreement.

Commonwealth-AGL agreement means the agreement made between the Commonwealth and AGL on 18 November 1993 in relation to the sale of the Moomba-Sydney pipeline system.

Commonwealth-guaranteed debt means a debt and any other related obligations whose performance is guaranteed by the Commonwealth.

DFRDB Act means the *Defence Force Retirement and Death Benefits Act 1973*.

dual destination instrument means an Authority or Pacenco instrument, that relates to a dual destination interest.

dual destination interest means an easement or other right in relation to land, that is specified in the easement agreement.

easement agreement means the agreement made between the Commonwealth and Newco on the sale day in relation to their ownership as tenants in common of all dual destination interests.

Finance Minister means the Minister administering the *Financial Management and Accountability Act 1997*.

instrument includes a document but does not include a Commonwealth legislative instrument other than an instrument under the *Lands Acquisition Act 1955*, the *Lands Acquisition Act 1989* or the *Industrial Relations Act 1988*.

land means:

- (a) a legal or equitable estate or interest in land; or
- (b) a right, power or privilege in relation to land.

liabilities means liabilities and duties, including contingent or prospective ones.

Long Service Leave Act means the *Long Service Leave (Commonwealth Employees) Act 1976* as in force immediately before the sale day.

Maternity Leave Act means the *Maternity Leave (Commonwealth Employees) Act 1973*.

Newco means the body corporate nominated under section 6.

Newco body means Newco or a Newco subsidiary.

Pacenco means Pacenco Proprietary Limited (A.C.N. 060 349 948).

Section 3

Pacenco instrument means an instrument that is specified in Schedule 4 to the asset purchase agreement.

petroleum means any of the following, whether in a gaseous, liquid or solid state:

- (a) any naturally occurring hydrocarbon;
- (b) any naturally occurring mixture of hydrocarbons;
- (c) any naturally occurring mixture of one or more hydrocarbons and one or more of the following:
 - (i) hydrogen sulphide;
 - (ii) nitrogen;
 - (iii) helium;
 - (iv) carbon dioxide;
- (d) any hydrocarbon or mixture of hydrocarbons produced by refining a substance referred to in paragraph (a), (b) or (c);
- (e) any mixture of a hydrocarbon or hydrocarbons so produced with another substance or other substances.

post-sale transferee means a staff member of the Authority who becomes employed by Newco under subsection 57(2) or 60(2).

sale day has the meaning given by subsection 4(1).

share, in relation to a body corporate, means a share in the body corporate's share capital.

SRC Act means the *Safety, Rehabilitation and Compensation Act 1988*.

staff member of the Authority means a person who is an officer (other than a director) or employee of the Authority.

staff transfer agreement means the agreement made between:

- (a) AGL on its own behalf and on behalf of other prospective buyers of shares in Newco; and
- (b) the unions who represent the staff of the Authority; and
- (c) the Authority;

before the sale day in relation to the transfer of staff to Newco.

transferring staff member means a staff member of the Authority who becomes employed by Newco under subsection 8(2).

- (2) For the purposes of this Act, the question whether a body corporate is a subsidiary of another body corporate is to be determined under the Corporations Law.

4 The sale day

- (1) The sale day is 30 June 1994 or such other day as the Commonwealth and AGL agree to in writing for the purposes of the Commonwealth-AGL agreement.
- (2) The Minister must, by notice in the *Gazette*, notify the sale day within 14 days after the sale day.

5 Act binds the Crown

- (1) This Act binds the Crown in right of the Commonwealth, each of the States, the Australian Capital Territory and the Northern Territory.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Part 2 Transfers etc. of assets etc. to Newco and the Commonwealth

Division 1 Transfer of certain assets etc. relating to the Moomba-Sydney pipeline system from the Authority and Pacenco to Newco

Section 6

Part 2—Transfers etc. of assets etc. to Newco and the Commonwealth

Division 1—Transfer of certain assets etc. relating to the Moomba-Sydney pipeline system from the Authority and Pacenco to Newco

Subdivision A—Nomination of Newco

6 Nomination of Newco

Before the sale day, the Minister must, by notice in the *Gazette*, nominate a body corporate for the purposes of this Act.

Subdivision B—Certain staff members of the Authority to become employees of Newco

7 Staff member of the Authority may consent to being employed by Newco

- (1) This section applies to each staff member of the Authority who receives a Newco employment offer at least 15 days before the sale day. For this purpose, *Newco employment offer* means an offer of employment with Newco beginning on the sale day that is made by AGL on its own behalf and on behalf of other prospective buyers of shares in Newco.
- (2) The staff member may consent to being employed by Newco by notice in writing given to the Chief Executive Officer of the Authority within 2 weeks after the staff member receives the offer of employment.
- (3) The staff member may revoke his or her consent at any time before the sale day by notice in writing given to the Chief Executive Officer of the Authority.

8 Certain staff members of the Authority to become employees of Newco

- (1) This section applies to each staff member of the Authority who:
 - (a) has consented to being employed by Newco under section 7; and
 - (b) has not revoked his or her consent before the sale day; and
 - (c) was a staff member of the Authority immediately before the sale day.
- (2) On the sale day, the staff member:
 - (a) ceases, by force of this section, to be an officer or employee of the Authority; and
 - (b) becomes an employee of Newco, by force of this section, on the same terms and conditions that applied to the staff member immediately before the sale day because of an award.
- (3) This section has effect subject to sections 9 and 10.

9 Subdivision not to affect certain matters relating to transferring staff members

- (1) On and after the sale day, this section has effect for the purposes of applying a law or award to Newco's employment of a transferring staff member.
- (2) The service of the transferring staff member as an employee of Newco is to be regarded for all purposes as having been continuous with his or her service, immediately before the sale day, as an officer or employee of the Authority.
- (3) The transferring staff member is to be regarded, on the sale day, as having:
 - (a) accrued an entitlement to Long Service Leave Act benefits, recreation leave benefits and sickness leave benefits; and

Part 2 Transfers etc. of assets etc. to Newco and the Commonwealth

Division 1 Transfer of certain assets etc. relating to the Moomba-Sydney pipeline system from the Authority and Pacenco to Newco

Section 10

- (b) an entitlement to recognition by Newco of years of service in connection with that employment;
that is equivalent to the entitlement that the person had as an officer or employee of the Authority, immediately before the sale day.
- (4) The transferring staff member is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of the Authority because of this Act.

10 Variation of terms and conditions of employment

- (1) This Subdivision does not prevent the terms and conditions of a transferring staff member's employment on or after the sale day from being varied:
 - (a) in accordance with those terms and conditions; or
 - (b) by or under a law (including another provision of this Act), award, determination or agreement.
- (2) In this section:
vary, in relation to terms and conditions, includes:
 - (a) omitting any of those terms and conditions; or
 - (b) adding to those terms and conditions; or
 - (c) substituting new terms or conditions for any of those terms and conditions.

11 Transferring staff member not to be eligible for re-appointment under the *Public Service Act 1922*

Paragraph 87N(2)(c) of the *Public Service Act 1922* does not apply to a transferring staff member.

**Subdivision C—Transfer of certain assets etc. relating to the
Moomba-Sydney pipeline system business from the
Authority and Pacenco to Newco**

**12 Certain assets and liabilities of the Authority and Pacenco to
become assets and liabilities of Newco**

- (1) By force of this section, all assets of the Authority or Pacenco specified in Schedule 1 to the asset purchase agreement cease to be assets of the Authority or Pacenco and become assets of Newco on the sale day.
- (2) By force of this section, all liabilities of the Authority or Pacenco specified in Schedule 2 to the asset purchase agreement cease to be liabilities of the Authority or Pacenco and become liabilities of Newco on the sale day.

**13 References in certain instruments to the Authority or Pacenco to
be references to Newco on and after the sale day**

- (1) An Authority instrument continues to have effect on and after the sale day as if a reference in the instrument to the Authority were a reference to Newco.
- (2) A Pacenco instrument continues to have effect on and after the sale day as if a reference in the instrument to Pacenco were a reference to Newco.

Section 14

Division 2—Provisions relating to the transfer of dual destination interests to the Commonwealth and Newco

14 Dual destination interests become assets of Newco and the Commonwealth

- (1) By force of this section, all dual destination interests:
 - (a) cease to be assets of the Authority or Pacenco; and
 - (b) become assets in which Newco and the Commonwealth each have a half interest as tenants in common; on the sale day.
- (2) Newco is to hold all jointly transferring interests on the terms and conditions that apply to the interests under the easement agreement.

15 Dual destination instruments that do not create easements

A dual destination instrument that does not create an easement continues to have effect, on and after the sale day, as if a reference in the instrument to the Authority or Pacenco were a reference to Newco and the Commonwealth jointly.

16 Dual destination instruments that create easements

- (1) This section applies to a dual destination instrument that creates an easement in favour of the Authority or Pacenco.
- (2) The dual destination instrument continues in effect subject to subsections (3) and (4).
- (3) On and after the sale day, the dual destination instrument has effect as if the easement were an easement in favour of Newco and the Commonwealth jointly that allows Newco and the Commonwealth jointly, Newco or the Commonwealth at any time to:

- (a) construct, maintain or operate pipelines or parts of pipelines that are owned by Newco, the Commonwealth or any other person; and
 - (b) licence or otherwise permit any other person to construct, maintain or operate pipelines or parts of pipelines that are owned by any person;
- that are to be used, or are used, for the carriage of petroleum, in trade or commerce, between a point in a State and a point in another State or Territory.
- (4) Any easement rights created by the dual destination instrument are taken to be rights of Newco and the Commonwealth jointly.
 - (5) This section does not limit the power of Newco and the Commonwealth to enter into an agreement with each other that governs the exercise of any rights by Newco or the Commonwealth under a jointly owned easement.
 - (6) This section is not intended to affect the operation of any law of a State or Territory with respect to the construction or operation of pipelines or parts of pipelines that is capable of operating concurrently with this section.

Section 17

Division 3—Transfer to the Commonwealth of certain assets and liabilities and provisions relating to certain obligations of the Authority or Pacenco

17 Transfer to the Commonwealth of easements of the Authority or Pacenco that are not specified in the easement agreement

By force of this section, all easements of the Authority or Pacenco that are not specified in the easement agreement:

- (a) cease to be assets of the Authority or Pacenco; and
 - (b) become assets of the Commonwealth;
- on the sale day.

18 Instruments relating to the easements of the Authority or Pacenco that are not specified in the easement agreement

- (1) Subject to subsections (2) and (3), an instrument relating to an easement of the Authority or Pacenco covered by section 17 continues to have effect, on and after the sale day, as if a reference in the instrument to the Authority or Pacenco were a reference to the Commonwealth.
- (2) On and after the sale day, an instrument referred to in subsection (1) has effect as if the easement were an easement in favour of the Commonwealth at any time to:
 - (a) construct, maintain and operate pipelines or parts of pipelines that are owned by the Commonwealth; or
 - (b) licence or otherwise permit any other person to construct, maintain or operate pipelines or parts of pipelines that are owned by that other person or any other person;that are to be used, or are used, for the carriage of petroleum, in trade or commerce, between a point in a State and a point in another State or Territory.

- (3) Any easement rights created by an instrument referred to in subsection (2) are taken to be rights of the Commonwealth.
- (4) This section is not intended to affect the operation of any law of a State or Territory with respect to the construction or operation of pipelines or parts of pipelines that is capable of operating concurrently with this section.

19 Commonwealth-guaranteed debts of the Authority become debts of the Commonwealth

- (1) By force of this section, all Commonwealth-guaranteed debts of the Authority cease to be obligations of the Authority and become obligations of the Commonwealth on the sale day.
- (2) The Treasurer may authorise the payment of money to discharge the Commonwealth-guaranteed debts that become obligations of the Commonwealth, whether by ending those obligations or otherwise.
- (3) The Consolidated Revenue Fund is appropriated for payments under this section.

20 Instruments relating to Commonwealth-guaranteed debts

An instrument relating to a Commonwealth-guaranteed debt of the Authority continues to have effect, on and after the sale day, as if a reference in the instrument to the Authority were a reference to the Commonwealth.

21 Commonwealth and Authority liable to pay certain amounts in relation to Commonwealth-guaranteed debts

- (1) On the sale day:
 - (a) the Commonwealth becomes liable to pay to the Authority an amount equal to the Commonwealth-guaranteed debts of the Authority on the sale day; and

Part 2 Transfers etc. of assets etc. to Newco and the Commonwealth

Division 3 Transfer to the Commonwealth of certain assets and liabilities and provisions relating to certain obligations of the Authority or Pacenco

Section 22

- (b) the Authority becomes liable to pay to the Commonwealth an amount equal to the Commonwealth-guaranteed debts of the Authority on that day.
- (2) The amount payable under paragraph (1)(a) is to be set-off against the amount payable under paragraph (1)(b).
- (3) The Consolidated Revenue Fund is appropriated for payments under paragraph (1)(a).

22 Commonwealth liable to pay an amount to the Authority equal to Authority's debts to the Commonwealth and set-off of debts

- (1) On the sale day the Commonwealth becomes liable to pay to the Authority an amount equal to the Authority's debt to the Commonwealth on that day.
- (2) The amount payable under subsection (1) is to be set-off against the Authority's debt to the Commonwealth.
- (3) The Consolidated Revenue Fund is appropriated for payments under this section.

23 Cancellation of debts owed by Pacenco to the Authority

By force of this section, all debts owed by Pacenco to the Authority on the sale day are cancelled on that day.

Division 4—Exemption from State and Territory stamp duties

24 Exemption from certain State and Territory stamp duties

- (1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter or anything connected with an exempt matter.
- (2) An authorised person may, by signed writing, certify that:
 - (a) a specified matter or thing is an exempt matter; or
 - (b) a specified thing was done in connection with a specified exempt matter.
- (3) In all courts and for all purposes, a certificate under subsection (2) is evidence of the matter stated in the certificate.
- (4) A document that appears to be a certificate under subsection (2) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (5) In this section:

exempt matter means:

- (a) assets and liabilities ceasing to be assets and liabilities of the Authority and Pacenco under section 12 and becoming assets and liabilities of Newco under that section; or
- (b) dual destination interests ceasing to be assets of the Authority and Pacenco under section 14 and becoming assets of the Commonwealth and Newco under that section; or
- (c) Commonwealth-guaranteed debts ceasing to be obligations of the Authority under section 19 and becoming obligations of the Commonwealth under that section; or
- (d) the operation of this Part in any other respect.

Section 25

Division 5—Miscellaneous provisions relating to the transfer of assets etc. under Divisions 1, 2 and 3

25 Certificates in relation to interests in land

- (1) This section applies if:
 - (a) land becomes land of Newco, the Commonwealth or Newco and the Commonwealth jointly under this Part; and
 - (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the land, whether by reference to a map or otherwise; and
 - (iii) states that the land has become land of Newco, the Commonwealth or of Newco and the Commonwealth jointly under this Part.
- (2) The land registration official may:
 - (a) register the matter in the same way in which dealings in land of that kind are registered; and
 - (b) deal with, and give effect to, the certificate.
- (3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (4) In this section:

land registration official means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

26 Certificates in relation to other assets

- (1) This section applies if:
 - (a) an asset becomes an asset of Newco under this Part; and
 - (b) there is lodged with an assets official a certificate that:
-

- (i) is signed by an authorised person; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has, under this Part, become an asset of Newco.
- (2) The assets official may:
- (a) deal with, and give effect to, the certificate as if the certificate were a proper and appropriate instrument for transactions in relation to assets of that kind; and
 - (b) make such entries in the register as are necessary having regard to the effect of section 12.
- (3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (4) In this section:
- assets official* means a person or authority who, under the law of the Commonwealth or of a State or Territory, has responsibility for keeping a register in relation to assets of the kind concerned.

27 Ending of certain rights that restrict the transfer of the Moomba-Sydney pipeline system

- (1) All veto rights are terminated on the sale day by force of this section.
- (2) In this section:
- Authority agreement* means an agreement:
- (a) to which the Authority is a party; and
 - (b) was in operation immediately before the sale day.

Moomba-Sydney pipeline means any pipeline transferred to Newco under section 12.

Section 28

veto rights means any rights that a person (*the contractor*) has under an Authority agreement that, apart from this section, would have the effect of preventing the transfer of the ownership or control of a Moomba-Sydney pipeline from the Authority or any other person who owns or controls such a pipeline to another person without the consent of the contractor.

28 Authority, Pacenco and Commonwealth to take steps necessary to carry out transfers

The Authority, Pacenco and the Commonwealth must take the steps that are necessary to ensure that this Part is fully effective, and in particular, in relation to its operation outside Australia.

29 Extraterritorial operation of Subdivision

This Part extends to:

- (a) things situated outside Australia; and
- (b) things happening outside Australia; and
- (c) things that are governed or otherwise affected by the law of a foreign country.

30 Part to have effect in spite of laws and agreements prohibiting transfer etc.

- (1) This Part has effect, and must be given effect to, in spite of anything in:
 - (a) any other law of the Commonwealth or any law of a State or Territory; or
 - (b) any instrument.
- (2) Without limiting subsection (1), if, apart from this section, the consent of a person would be necessary in order to give effect to this Part in a particular respect, the consent is taken to have been given.

31 Compensation for acquisition of property

- (1) If:
 - (a) this Part would result in an acquisition of property; and
 - (b) this Part would not be valid, apart from this section, because a particular person has not been compensated;
the Commonwealth must pay that person:
 - (c) a reasonable amount of compensation agreed on between the person and the Commonwealth; or
 - (d) failing agreement—a reasonable amount of compensation determined by a court of competent jurisdiction.
- (2) Any damages or compensation recovered, or other remedy given, in a proceeding begun otherwise than under this section must be taken into account in assessing compensation payable in a proceeding begun under this section and arising out of the same event or transaction.
- (3) In this section, ***acquisition of property*** has the same meaning as in paragraph 51(xxxi) of the Constitution.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 1 Certain staff members of the Authority taken to have resigned

Section 32

Part 3—Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 1—Certain staff members of the Authority taken to have resigned

32 Certain staff members of the Authority taken to have resigned

- (1) This section applies to a staff member of the Authority:
 - (a) who was eligible to consent under subsection 7(2) and who has not done so; or
 - (b) who consented under subsection 7(2) but revoked that consent under subsection 7(3).
- (2) Subject to subsection (3), the staff member is, for all purposes, taken to have resigned from the staff member's appointment or engagement under the *Pipeline Authority Act 1973*. The resignation takes effect at the time determined in writing in relation to the staff member by an authorised person for the purposes of this section.
- (3) Subsection (2) does not apply to a staff member of the Authority who notifies the Chief Executive Officer of the Authority in writing that the staff member:
 - (a) is not consenting under subsection 7(2); or
 - (b) is revoking his or her consent under subsection 7(3);because he or she believes that the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after the sale day are not equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before the sale day.
- (4) If:

- (a) a staff member:
 - (i) has not consented under subsection 7(2); or
 - (ii) has revoked his or her consent under subsection 7(3);
and
- (b) the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after the sale day are not equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before the sale day;

Newco may make a second offer of employment with Newco under subsection 59(1).

- (5) If:
 - (a) a staff member:
 - (i) has not consented under subsection 7(2); or
 - (ii) has revoked his or her consent under subsection 7(3);
and
 - (b) the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after the sale day are equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before the sale day;

Newco must make a second offer of employment with Newco under subsection 59(1) that is the same terms and conditions as the offer under subsection 7(1).
- (6) For the purposes of subsections (4) and (5), the question of whether terms and conditions of employment, taken as a whole, are equivalent, is to be determined in accordance with the staff transfer agreement.
- (7) If an authorised person makes a determination under subsection (2), the authorised person must give the staff member a copy of the determination as soon as practicable after it is made.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 2 Transitional and saving provisions in relation to long service leave

Section 33

Division 2—Transitional and saving provisions in relation to long service leave

33 Definitions

(1) Unless the contrary intention appears, expressions used in this Division that are also used in the Long Service Leave Act have the same respective meanings as in that Act.

(2) In this Division:

combined service period, in relation to an employee, means the total of:

- (a) the period that is, immediately before the sale day, the employee's period of service for the purposes of the Long Service Leave Act; and
- (b) the period, beginning on the sale day, during which the employee continues to be an employee of a Newco body.

employee includes a person employed in a full-time or a part-time capacity.

law means:

- (a) a law of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument (other than an award, determination or industrial agreement) made under such a law.

post-sale long service leave rights, in relation to an employee, means any long service leave rights an employee acquires, on or after the sale day, under an award, determination, industrial agreement or law (other than this Act).

34 Long service leave for employees with less than 10 years service

Note: This section provides that, in certain circumstances, a Newco body may grant long service leave to an employee whose period of service

for the purposes of the Long Service Leave Act was less than 10 years.

- (1) This section applies to a person:
 - (a) who became an employee of Newco on the sale day under section 8; and
 - (b) whose period of service for the purposes of the Long Service Leave Act immediately before the sale day was less than 10 years.
- (2) This section does not apply in relation to an employee who stops being an employee of a Newco body by dying.

Note: Section 36 covers employees who die.
- (3) If, on and after the sale day, the employee continues to be employed by a Newco body until his or her combined service period is at least 10 years, the Newco body may grant the employee long service leave on full salary for a period up to the employee's long service leave credit under subsection 37(1).
- (4) If:
 - (a) the employee stops being an employee of a Newco body, on or after reaching the minimum retiring age, or because of retrenchment; and
 - (b) the employee's combined service period at the time when he or she stops being an employee of the Newco body is at least one year;the Newco body may grant the employee long service leave on full salary for a period up to the employee's long service leave credit under subsection 37(1).
- (5) If a period of long service leave may be granted to an employee under subsection (3) or (4), the Newco body may, if the employee asks in writing, grant the employee long service leave on half salary for a period not exceeding twice the first-mentioned period.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 2 Transitional and saving provisions in relation to long service leave

Section 35

- (6) Long service leave granted in the circumstances set out in subsection (4) is to be taken so as to end immediately before the employee stops being an employee.
- (7) For the purposes of this section, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 3 of the Long Service Leave Act if:
 - (a) that section applied to the employee; and
 - (b) for the expression “section 16 or 17” in that section there were substituted the expression “section 34 of the *Moomba-Sydney Pipeline System Sale Act 1994*”.

35 Payments in lieu of long service leave for employees with less than 10 years service

Note: This section provides that, in certain circumstances, a Newco body must pay an amount in respect of long service leave to an employee who has not used all of his or her long service leave credit by taking long service leave under section 34.

- (1) This section applies to a person:
 - (a) who became an employee of Newco on the sale day under section 8; and
 - (b) whose period of service for the purposes of the Long Service Leave Act immediately before the sale day was less than 10 years.
- (2) This section does not apply in relation to an employee who stops being an employee of a Newco body by dying.

Note: Section 36 covers employees who die.

- (3) Subject to subsection (6), if the employee stops being an employee of a Newco body on or after the day on which his or her combined service period reaches 10 years, the Newco body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 37(2).
 - (4) Subject to subsection (6), if:
-

- (a) the employee stops being an employee of a Newco body, on or after reaching the minimum retiring age, or because of retrenchment; and
 - (b) at that time the employee's combined service period is at least one year;

the Newco body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 37(2).
- (5) Subject to subsection (6), if:
 - (a) the employee stops being an employee of a Newco body; and
 - (b) the Newco body is satisfied that the employee left the Newco body because of ill-health that justified his or her so leaving; and
 - (c) when the employee left, his or her combined service period was at least one year;

the Newco body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 37(2).
- (6) An employee may, by signed writing given to a Newco body before the employee stops being an employee of the Newco body:
 - (a) ask the Newco body not to make a payment to the employee under this section; or
 - (b) ask the Newco body to make a payment under subsection (3), (4) or (5) of a specified amount that is less than the amount that would otherwise be payable under that subsection.
- (7) The Newco body must comply with the request made under subsection (6).
- (8) For the purposes of this section, the rate of salary to be used in working out the full salary of an employee is the rate that would apply to the employee under section 21 of the Long Service Leave Act if:
 - (a) that section applied to the employee; and

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 2 Transitional and saving provisions in relation to long service leave

Section 36

- (b) for the expression “sections 16 and 17” in that section there were substituted the expression “section 35 of the *Moomba-Sydney Pipeline System Sale Act 1994*”.

36 Payments on the death of an employee

- (1) This section applies to a person who was an employee of the Authority immediately before the sale day if, at that time, the employee’s period of service for the purposes of the Long Service Leave Act was less than 10 years.
- (2) If, on or after the sale day, the employee died and immediately before his or her death:
- (a) the employee was an employee of a Newco body; and
 - (b) the employee’s combined service period was at least one year; and
 - (c) the employee had one or more dependants;
- the Newco body must make a payment to a dependant or to 2 or more dependants of the employee.
- (3) The total amount of the payment or payments is the amount that would have been payable to the employee under section 35 if, on the day of his or her death, the employee had instead stopped being an employee of the Newco body on or after reaching the minimum retiring age.
- (4) If subsection (2) applies, section 23 of the Long Service Leave Act has effect as if:
- (a) that section applied to an employee of a Newco body; and
 - (b) a reference in that section to the approving authority were a reference to the Newco body; and
 - (c) for the expression “this Act” in that section there were substituted the expression “section 36 of the *Moomba-Sydney Pipeline System Sale Act 1994*”; and
 - (d) for the expression “subsection 16(7) or 17(5)” there were substituted the expression “section 36 of the *Moomba-Sydney Pipeline System Sale Act 1994*”.

37 Employee's long service leave credit for the purposes of sections 34 and 35

- (1) For the purposes of section 34, an employee's long service leave credit is equal to the long service leave credit that the employee would have under the Long Service Leave Act for the period:
 - (a) beginning when the employee began his or her period of service; and
 - (b) ending on the sale day;if the employee had been retrenched on the sale day.
- (2) For the purposes of section 35, an employee's long service leave credit is the employee's long service leave credit worked out under subsection (1) reduced by any long service leave credit used under section 34.

38 Division not to affect an employee's post-sale long service leave rights

To avoid doubt, it is declared that this Division does not affect an employee's post-sale long service leave rights in relation to service on and after the sale day.

39 Saving—Long Service Leave Act

- (1) This section applies to an employee of the Authority whose period of service under the Long Service Leave Act was at least 10 years immediately before the sale day.
- (2) Even though the employee ceases to be employed in Government Service for the purposes of the Long Service Leave Act, the employee's accrued rights under that Act continue if the employee becomes an employee of Newco on the sale day. However, the employee is not entitled to receive any payment because he or she ceases to be in Government Service.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 2 Transitional and saving provisions in relation to long service leave

Section 39

- (3) The Long Service Leave Act has effect on and after the sale day in relation to the employee as if Newco were an approving authority for the purposes of that Act.

Division 3—Transitional and saving provisions relating to the Safety, Rehabilitation and Compensation Act 1988

40 Interpretation

Unless the contrary intention appears, expressions used in this Division that are also used in the SRC Act have the same respective meanings as in that Act.

41 Transitional provisions relating to the SRC Act that relate to certain Newco body employees

- (1) This section applies to an employee of a Newco body who was an employee of the Authority immediately before the sale day.
- (2) The SRC Act continues to apply, on and after the sale day, in relation to:
 - (a) injuries suffered by the employee before the sale day; and
 - (b) loss of, or damage to, property incurred by the employee before the sale day.

42 Commonwealth liable to meet certain SRC Act liabilities and to be taken to be the employer in certain circumstances under the SRC Act

On and after the sale day, the Commonwealth:

- (a) is liable to pay the liabilities of the Authority under section 128A of the SRC Act; and
- (b) is taken to have been the employer of the employees of the Authority before the sale day for the purposes of the SRC Act.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 4 Transitional and saving provisions in relation to superannuation and other retirement benefits

Section 43

Division 4—Transitional and saving provisions in relation to superannuation and other retirement benefits

43 Saving—deferred benefits under the *Superannuation Act 1922*

- (1) This section applies to an employee of a Newco body if, immediately before the sale day, the employee was:
 - (a) a staff member of the Authority or the Chief Executive Officer of the Authority; and
 - (b) a person to whom deferred benefits were applicable under section 119W of the *Superannuation Act 1922*.
- (2) For the purposes of Division 3 of Part XA of the *Superannuation Act 1922*, the employee is taken to continue in public employment on and after the sale day while the employee continues to be employed by a Newco body.
- (3) This section is subject to Division 3 of Part XA of the *Superannuation Act 1922*.

44 Saving—deferred benefits under the *Superannuation Act 1976*

- (1) This section applies to an employee of a Newco body if, immediately before the sale day, the employee was:
 - (a) a staff member of the Authority or the Chief Executive Officer of the Authority; and
 - (b) a person to whom deferred benefits were applicable under section 139 of the *Superannuation Act 1976*.
- (2) For the purposes of Division 3 of Part IX of the *Superannuation Act 1976*, the employee is taken to continue in public employment on and after the sale day while the employee continues to be employed by a Newco body.

Transitional and saving provisions in respect of employees of Newco that relate to the
sale of shares in Newco by the Commonwealth **Part 3**
Transitional and saving provisions in relation to superannuation and other retirement
benefits **Division 4**

Section 45

- (3) This section is subject to Division 3 of Part IX of the
Superannuation Act 1976.

45 Contribution day for the purposes of the *Superannuation Act 1976*

If the sale day is 30 June 1994, then, for the purposes of the
Superannuation Act 1976, 29 June 1994 is taken to be a
contribution day in relation to a transferring staff member for the
purposes of that Act.

46 Saving—deferred benefits under the DFRDB Act

- (1) This section applies to an employee of a Newco body if,
immediately before the sale day, the employee was:
- (a) a staff member of the Authority or the Chief Executive
Officer of the Authority; and
 - (b) a person to whom deferred benefits were applicable under
section 78 of the DFRDB Act.
- (2) For the purposes of Division 3 of Part IX of the DFRDB Act, the
employee is taken to continue in public employment on and after
the sale day while the employee continues to be employed by a
Newco body.
- (3) This section is subject to Division 3 of Part IX of the DFRDB Act.

Part 3 Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth

Division 5 Other transitional and saving provisions

Section 47

Division 5—Other transitional and saving provisions

47 Transitional maternity leave provisions for maternity leave beginning after the sale day

- (1) This section applies if:
 - (a) immediately before the sale day, a person was a female staff member of the Authority; and
 - (b) the person becomes a Newco employee under section 8; and
 - (c) within 12 months after the sale day, the person would have been entitled to begin leave granted under the Maternity Leave Act if the person had continued to be a staff member.
- (2) On and after the sale day, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which she would have been entitled to leave as if Newco were a prescribed authority for the purposes of that Act.

48 Transitional maternity leave provisions for staff members of the Authority who are on maternity leave immediately before the sale day

- (1) This section applies if:
 - (a) immediately before the sale day, a person was a female staff member of the Authority who was on leave granted under the Maternity Leave Act; and
 - (b) the person becomes a Newco employee under section 8; and
 - (c) the person would have continued to have been entitled to have continued on that leave, on and after the sale day, if the person had continued to be a staff member.
- (2) On and after the sale day, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which the leave was granted as if Newco were a prescribed authority for the purposes of that Act.

49 Cessation of mobility rights

- (1) If Division 2 or 3 of Part IV of the *Public Service Act 1922* applied to:
- (a) a transferring staff member immediately before the sale day;
or
 - (b) a staff member of the Authority who is taken to have resigned under subsection 32(2);
- then:
- (c) that Division stops applying to the transferring staff member or the staff member on the sale day; and
 - (d) the transferring staff member or the staff member stops being an officer of the Australian Public Service.
- (2) If Division 4 of Part IV of the *Public Service Act 1922* applied to:
- (a) a transferring staff member immediately before the sale day;
or
 - (b) a staff member of the Authority who is taken to have resigned under subsection 32(2);
- then:
- (c) the *Officers' Rights Declaration Act 1928* and Division 4 of Part IV of the *Public Service Act 1922* stop applying to the transferring staff member or the staff member on the sale day; and
 - (d) the transferring staff member or the staff member stops being an officer of the Australian Public Service.

Part 4—Other provisions relating to the sale of shares in Newco by the Commonwealth

50 Transitional provision relating to the *Crimes (Superannuation Benefits) Act 1989*

- (1) Subject to this section, if:
- (a) a person who is an employee of the Authority before the sale day committed a corruption offence while such an employee; and
 - (b) the person becomes an employee of Newco on the sale day under section 8;

then, on and after the sale day, the *Crimes (Superannuation Benefits) Act 1989* continues to apply in relation to the person in respect of the offence as if a Newco body were a Commonwealth authority.

- (2) A superannuation order may not be made under the *Crimes (Superannuation Benefits) Act 1989* in relation to employer contributions or benefits paid or payable to a superannuation scheme by a Newco body after the sale day.
- (3) In spite of paragraph 19(3)(d) of the *Crimes (Superannuation Benefits) Act 1989*, an order under that paragraph may only specify that an amount paid to the Commonwealth before the sale day by or on behalf of the Authority belongs to the Commonwealth.
- (4) If:
- (a) a person who was an employee of the Authority immediately before the sale day committed a corruption offence while such an employee; and
 - (b) the person was paid benefits before, on or after the sale day, out of the Consolidated Revenue Fund;

then, in spite of paragraph 19(4)(b) of the *Crimes (Superannuation Benefits) Act 1989*, an order under that paragraph may only specify

that an amount equal to the total benefits paid out of the Consolidated Revenue Fund be paid to the Commonwealth.

- (5) A superannuation scheme in relation to which employer contributions or benefits are paid or payable by a Newco body is not a superannuation scheme for the purposes of the *Crimes (Superannuation Benefits) Act 1989* in respect of a corruption offence committed by a person after the sale day.
- (6) Unless the contrary intention appears, expressions used in this section that are also used in the *Crimes (Superannuation Benefits) Act 1989* have the same respective meanings as in that Act.

51 Commonwealth payment to Newco

- (1) The Finance Minister may, on the Commonwealth's behalf, make payments to Newco in accordance with the asset purchase agreement.
- (2) The Consolidated Revenue Fund is appropriated for payments under subsection (1).
- (3) The total amount of any payments under subsection (1) must not exceed \$6,500,000.

52 Newco not to be taken to be established by the Commonwealth

- (1) On and after the sale day, Newco is not taken for the purposes of any law to be established by the Commonwealth unless a law expressly provides otherwise.
- (2) In this section:

law means:

- (a) an Act of the Commonwealth or of a State or Territory; and
- (b) regulations or another instrument made under such an Act.

Section 53

53 Exemption from State and Territory stamp duties

- (1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter or anything connected with an exempt matter.
- (2) An authorised person may in writing certify that:
 - (a) a specified matter or thing is an exempt matter; or
 - (b) a specified thing was done in connection with a specified exempt matter.
- (3) In all courts and for all purposes, a certificate under subsection (2) is evidence of the matter stated in the certificate.
- (4) A document that appears to be a certificate under subsection (2) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (5) In this section:

exempt matter means:

 - (a) the transfer of shares in Newco by the Commonwealth to another person; or
 - (b) the receipt of money (whether on or after the sale day) by the Commonwealth from persons who are, on or after the sale day, buying shares in Newco.

54 Ending the Authority's liability under the *Commonwealth Borrowing Levy Act 1987*

- (1) Subject to subsection (2), the Authority is not liable on and after the sale day to pay an amount of levy imposed by the *Commonwealth Borrowing Levy Act 1987* on a borrowing undertaken before the sale day.
- (2) Subsection (1) does not apply in relation to an amount of levy that was paid or payable before the sale day.

55 Ending the Authority's liability under the *Commonwealth Guarantees (Charges) Act 1987*

- (1) Subject to subsection (2), the Authority is not liable, on and after the sale day, to pay an amount of charge under the repealed *Commonwealth Guarantees (Charges) Act 1987*, as that Act continues to apply.
- (2) Subsection (1) does not apply in relation to an amount of charge that was paid or payable before the sale day.

Part 5—Post-sale day staff provisions

56 Transfer time

- (1) The *transfer time* for a staff member of the Authority for the purposes of this Part is the time the Commonwealth and Newco agree to in writing for the purposes of this section.
- (2) If the Commonwealth and Newco agree, the transfer time may be revoked or varied.

57 Staff members who receive a Newco employment offer after sale day

- (1) This section applies to each staff member of the Authority who receives a post-sale Newco employment offer. For this purpose, *post-sale Newco employment offer* means an initial offer of employment with Newco beginning at the transfer time that is made by Newco after the sale day but before 15 October 1994.
- (2) The staff member may consent to being employed by Newco by notice in writing given to the Chief Executive Officer of the Authority within 2 weeks after the staff member receives the offer of employment.
- (3) The staff member may revoke his or her consent at any time before the staff member's transfer time by notice in writing given to the Chief Executive Officer of the Authority.

58 Certain staff members of the Authority who received a Newco employment offer under section 57 taken to have resigned

- (1) This section applies to a staff member of the Authority:
 - (a) who was eligible to consent under subsection 57(2) but has not done so; or

- (b) who consented under subsection 57(2) but revoked that consent under subsection 57(3).
- (2) Subject to subsection (3), the staff member is, for all purposes, taken to have resigned from the staff member's appointment or engagement under the *Pipeline Authority Act 1973*. The resignation takes effect at the time determined in writing in relation to the staff member by an authorised person for the purposes of this section.

Note: A person does not come within paragraph 87N(2)(c) of the *Public Service Act 1922* if the person's employment with a public authority is terminated because of the person's resignation.

- (3) Subsection (2) does not apply to a staff member of the Authority who notifies the Chief Executive Officer of the Authority in writing that the staff member:
- (a) is not consenting under subsection 57(2); or
 - (b) is revoking his or her consent under subsection 57(3);
- because he or she believes that the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after his or her transfer time are not equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before his or her transfer time.
- (4) If:
- (a) a staff member:
 - (i) has not consented under subsection 57(2); or
 - (ii) has revoked his or her consent under subsection 57(3);and
 - (b) the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after his or her transfer time are not equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before his or her transfer time;
- Newco may make a second offer of employment with Newco under subsection 59(1).

- (5) If:
-

Section 59

- (a) a staff member:
 - (i) has not consented under subsection 57(2); or
 - (ii) has revoked his or her consent under subsection 57(3);
and
- (b) the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after the sale day are equivalent to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before the sale day;

Newco must make a second offer of employment with Newco under subsection 59(1) that is the same terms and conditions as the offer under subsection 57(1).

- (6) For the purposes of subsections (4) and (5), the question of whether terms and conditions of employment, taken as a whole, are equivalent, is to be determined in accordance with the staff transfer agreement.
- (7) If an authorised person makes a determination under subsection (2), the authorised person must give the staff member a copy of the determination as soon as practicable after it is made.

59 Staff members who receive a second Newco employment offer may consent to being employed by Newco after the sale day

- (1) This section applies to each staff member of the Authority covered by section 32 or 58 who receives a second Newco employment offer. For this purpose, *second Newco employment offer* means an offer of employment with Newco beginning at the transfer time that is made after the sale day but at least 8 days before 31 December 1994.
- (2) The staff member may consent to being employed by Newco by notice in writing given to the Chief Executive Officer of the Authority within a week after the staff member receives the second offer of employment.

- (3) The staff member may revoke his or her consent at any time before his or her transfer time by notice in writing given to the Chief Executive Officer of the Authority.

60 Certain staff members of the Authority to become employees of Newco

- (1) This section applies to each staff member of the Authority who:
 - (a) has consented to being employed by Newco under section 57 or 59; and
 - (b) has not revoked his or her consent before his or her transfer time; and
 - (c) was a staff member of the Authority immediately before his or her transfer time.
- (2) At the staff member's transfer time, the staff member:
 - (a) ceases, by force of this section, to be an officer or employee of the Authority; and
 - (b) becomes an employee of Newco, by force of this section, on the same terms and conditions that applied to the staff member immediately before his or her transfer time because of an award.
- (3) This section has effect subject to sections 61 and 62.

61 Part not to affect certain matters relating to transferring staff members

- (1) On and after a staff member's transfer time, this section has effect for the purposes of applying a law or award to Newco's employment of a post-sale transferee.
- (2) The service of the post-sale transferee as an employee of Newco is to be regarded for all purposes as having been continuous with his or her service, immediately before the sale day, as an officer or employee of the Authority.

Section 62

- (3) The post-sale transferee is to be regarded, immediately after his or her transfer time, as having:
 - (a) accrued an entitlement to Long Service Leave Act benefits, recreation leave benefits and sickness leave benefits; and
 - (b) an entitlement to recognition by Newco of years of service in connection with that employment;that is equivalent to the entitlement that the person had as an officer or employee of the Authority, immediately before his or her transfer time.
- (4) The post-sale transferee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of the Authority because of this Act.

62 Variation of terms and conditions of employment

- (1) Neither section 60 nor 61 prevents the terms and conditions of a post-sale transferee's employment after his or her transfer time from being varied:
 - (a) in accordance with those terms and conditions; or
 - (b) by or under a law (including another provision of this Part), award or determination or agreement.
- (2) In this section:

vary, in relation to terms and conditions, includes:

 - (a) omitting any of those terms and conditions; or
 - (b) adding to those terms and conditions; or
 - (c) substituting new terms or conditions for any of those terms and conditions.

63 Post-sale transferee not to be eligible for re-appointment under the *Public Service Act 1922*

Paragraph 87N(2)(c) of the *Public Service Act 1922* does not apply to a post-sale transferee.

64 Certain staff members of the Authority taken to have resigned

- (1) This section applies to a staff member of the Authority:
 - (a) who was eligible to consent under subsection 59(2) and who has not done so; or
 - (b) who consented under subsection 59(2) but revoked that consent under subsection 59(3).
- (2) Subject to subsection (3), the staff member is, for all purposes, taken to have resigned from his or her appointment or engagement under the *Pipeline Authority Act 1973*. The resignation takes effect at the time determined in writing in relation to the staff member by an authorised person for the purposes of this section.

Note: A person does not come within paragraph 87N(2)(c) of the *Public Service Act 1922* if the person's employment with a public authority is terminated because of the person's resignation.

- (3) Subsection (2) does not apply to a staff member who does not consent under subsection 59(2), or has revoked his or her consent under subsection 59(3), because the terms and conditions of employment, taken as a whole, that would apply to the staff member on and after his or her transfer time have been determined not to be equivalent in accordance with the staff transfer agreement to the terms and conditions of employment, taken as a whole, applying to the staff member immediately before his or her transfer time.

65 Application of other transitional and saving provisions

- (1) A specified provision applies to a post-sale transferee as if:
 - (a) for the expression "sale day" (wherever occurring) in the specified provision there were substituted the expression "staff member's transfer time"; and
 - (b) for the expression "transferring staff member" (wherever occurring) in the specified provision there were substituted the expression "post-sale transferee"; and
 - (c) for the expression "staff member" (wherever occurring) in the specified provision (other than where the specified

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provision is section 43, 44, 46, 47, 48 or 49) there were substituted the expression “transferee”; and

(d) if the specified provision is paragraph 34(1)(a), 35(1)(a), 47(1)(b) or 48(1)(b)—for the expression “section 8” in those paragraphs there were substituted the expression “section 60”; and

(e) if the specified provision is paragraph 49(1)(b) or (2)(b)—for the expression “subsection 32(2)” in those paragraphs there were substituted the expression “section 58 or 64”.

(2) In this section:

specified provision means section 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 48, 49 or 50.

Part 7—Amendments of the Pipeline Authority Act 1973

147 Principal Act

In this Part, *Principal Act* means the *Pipeline Authority Act 1973*.

148 Interpretation

Section 3 of the Principal Act is amended:

- (a) by omitting “petroleum” from paragraph (a) of the definition of *associated equipment and structures* in subsection (1) and substituting “gas”;
- (b) by omitting “petroleum” from the definition of *pipeline* in subsection (1) and substituting “gas”;
- (c) by omitting “petroleum” from the definition of *tank station* in subsection (1) and substituting “gas”;
- (d) by omitting “petroleum” from the definition of *valve station* in subsection (1) and substituting “gas”;
- (e) by omitting the definition of *part-time director* from subsection (1) and substituting the following definition:

“*part-time director* means a director of the Authority appointed to be a part-time director under subsection 6(2);”

- (f) by omitting from subsection (1) the definitions of *petroleum* and *petroleum pool*;
- (g) by inserting in subsection (1) the following definition:

“*gas* means any petroleum gas, including petroleum gas that liquefies under pressure;”

- (h) by omitting subsection (3) and substituting the following subsection:

“(3) In this Act, unless the contrary intention appears, a reference to a pipeline includes a reference to part of a pipeline.”

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149 Membership of Authority

Section 6 of the Principal Act is amended:

- (a) by omitting paragraph (1)(d);
- (b) by inserting in paragraph (1)(e) “up to” before “4 other directors”.

150 Leave of absence

Section 8 of the Principal Act is amended by omitting from subsection (1) “a full-time director” and substituting “the Chief Executive Officer”.

151 Chief Executive Officer

Section 10 of the Principal Act is amended:

- (a) by adding at the end of subsection (1) “on a full-time or part-time basis”;
- (b) by omitting subsection (3).

152 Acting appointments—part-time directors

Section 11 of the Principal Act is amended by omitting subsection (2).

153 Meetings of Authority

Section 12 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

- “(3) At a meeting of the Authority, a majority of the directors constitute a quorum.”.

154 Repeal of section and substitution of new section

- (1) Section 13 of the Principal Act is repealed and the following section is substituted:

13 Functions of Authority

- “(1) The Authority has the following functions:
- (a) to design, for itself or another person, pipelines for the carriage of gas in trade and commerce between a point in a State and a point in another State;
 - (b) to construct, for itself or another person, pipelines for the carriage of gas in trade or commerce between a point in a State and a point in another State;
 - (c) to maintain, for itself or another person, pipelines for the carriage of gas in trade or commerce between a point in a State and a point in another State or Territory;
 - (d) to operate, for itself or another person, pipelines for the carriage of gas in trade or commerce between a point in a State and a point in another State or a Territory;
 - (e) to give advice to the Minister about its functions under paragraphs (a) to (d).
- (2) The Authority may, in accordance with sections 14 and 28, carry on business for the purposes of performing those functions.”.
- (2) Despite the repeal of section 13 by subsection (1), the Authority may carry on business for the purpose of finalising any business activities that relate to its functions under the *Pipeline Authority Act 1973* immediately before the commencement of this section.

155 Duties of the Authority

Section 14 of the Principal Act is amended:

- (a) by omitting from paragraphs (1)(b) and (c) “its” (wherever occurring);
- (b) by omitting from subsection (2) “petroleum” and substituting “gas”;
- (c) by omitting from subsection (2) “its”.

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156 Insertion of new section

After section 14 of the Principal Act the following section is inserted:

14A Authority to act in accordance with Ministerial determination

- (1) The Minister may, after consulting the Authority, give the Authority a written determination setting out the policies and objectives that are to be carried out by the Authority for the purposes of performing its functions.
- (2) It is the duty of the directors to give effect to a determination under subsection (1).
- (3) If the Minister gives a determination under subsection (1), the Minister must cause a copy of the determination to be laid before each House of the Parliament within 15 sitting days of that House after giving the determination.”.

157 Particular powers of the Authority

Section 16 of the Principal Act is amended:

- (a) by omitting paragraph (d) and substituting the following paragraph:
“(d) to sell or otherwise dispose of land or an interest in land;”;
- (b) by omitting paragraphs (j) and (ka).

158 Repeal of section and substitution of new section

- (1) Section 16A of the Principal Act is repealed and the following section is substituted:

16A Authority must not form etc. companies

“The Authority must not:

- (a) form, or participate in the formation of, a company; or

- (b) subscribe for, or otherwise acquire, shares in a company that is not a subsidiary of the Authority.”.
- (2) If, immediately before the repeal of section 16A of the Principal Act, a subsidiary of the Authority was a subsidiary whose approval under subsection 16A(1) of the Principal Act was subject to terms and conditions specified in the approval, then despite the repeal of section 16A of the Principal Act:
 - (a) the terms and conditions that applied under section 16A of the Principal Act immediately before the repeal; and
 - (b) subsections 16A(3) to (6) of the Principal Act as in force immediately before the repeal;continue to apply in relation to the subsidiary.

159 Repeal of sections 18A and 25

Sections 18A and 25 of the Principal Act are repealed.

160 Repeal of section and substitution of new section

“Section 28 of the Principal Act is repealed and the following section is substituted:

28 Financial policy

- (1) If:
 - (a) the construction of a pipeline from Moomba in South Australia to Botany in New South Wales is commenced by the Authority; and
 - (b) the Authority continues to operate and maintain any transferred pipelines for another person after the sale day; the Authority must pursue a policy of acting in accordance with sound commercial principles in relation to:
 - (c) the construction of the pipeline; and
 - (d) the operation and maintenance of the transferred pipelines; and

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- (e) finalising its business activities in relation to any assets that cease to be assets of the Authority because of the Sale Act; and
 - (f) the winding down of the Authority's business activities to facilitate the abolition of the Authority by the Sale Act.
- (2) If:
- (a) the construction of a pipeline from Moomba in South Australia to Botany in New South Wales is not commenced by the Authority; and
 - (b) the Authority continues to operate and maintain any transferred pipelines for another person after the sale day; the Authority must pursue a policy of acting in accordance with sound commercial principles in relation to:
 - (c) the operation and maintenance of the transferred pipelines; and
 - (d) finalising its business activities in relation to any assets that cease to be assets of the Authority because of the Sale Act; and
 - (e) the winding down of the Authority's business activities to facilitate the abolition of the Authority by the Sale Act.
- (3) If:
- (a) the construction of a pipeline from Moomba in South Australia to Botany in New South Wales is not commenced by the Authority; and
 - (b) the Authority does not continue to operate any transferred pipelines for another person after the sale day; the Authority must pursue a policy of acting in accordance with sound commercial principles in relation to:
 - (c) finalising its business activities in relation to any assets that cease to be assets of the Authority because of the Sale Act; and
 - (d) the winding down of the Authority's business activities to facilitate the abolition of the Authority by the Sale Act.
- (4) In this section:
-

Section 161

Sale Act means the *Moomba-Sydney Pipeline System Sale Act 1994*.

sale day has the same meaning as in the Sale Act.

transferred pipeline means a pipeline that ceases to be an asset of the Authority because of the Sale Act.”

161 Repeal of section 33B

Section 33B of the Principal Act is repealed.

Part 8—Abolition of the Pipeline Authority

162 Principal Act

In this Part, *Principal Act* means the *Pipeline Authority Act 1973*.

163 Definitions

In this Part, unless the contrary intention appears:

repeal day means:

- (a) the day notified by the Minister in the *Gazette* for the purposes of this Part; or
- (b) 31 December 1996;

whichever occurs first.

residual assets means:

- (a) any legal or equitable estates or interests in real or personal property, including contingent or prospective ones; and
- (b) any rights, privileges and immunities including contingent or prospective ones;

of the Authority immediately before the repeal day.

residual instruments means instruments that are in force immediately before the repeal day:

- (a) to which the Authority is a party; or
- (b) that were given to, by or in favour of the Authority; or
- (c) in which a reference is made to the Authority; or
- (d) under which any money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned, to or by the Authority.

residual liability means liabilities and duties of the Authority, including contingent and prospective ones, immediately before the repeal day.

164 Repeal of sections and substitution of new section

Sections 3 and 4 of the Principal Act are repealed and the following section is substituted:

3 Interpretation

- “(1) In this Act a reference to the Authority is a reference to the Pipeline Authority as it was established by this Act before the repeal day.
- (2) In this section:

repeal day has the same meaning as in Part 8 of the *Moomba-Sydney Pipeline System Sale Act 1994*.”.

165 Repeal of Parts II, III, IV and VI

Parts II, III, IV and VI of the Principal Act are repealed on the repeal day.

166 Residual assets and liabilities to become Commonwealth assets and liabilities of the Commonwealth

- (1) By force of this section, all the residual assets of the Authority cease to be assets of the Authority and become assets of the Commonwealth on the repeal day.
- (2) By force of this section, all residual liabilities of the Authority cease to be liabilities of the Authority and become liabilities of the Commonwealth on the repeal day.
- (3) A residual instrument continues to have effect on and after the repeal day as if a reference in the instrument to the Authority were a reference to the Commonwealth.

167 Pending proceedings

If, immediately before the repeal day, proceedings to which the Authority was a party are pending in a court, then, on and after the

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repeal day, the Commonwealth is substituted for the Authority in the proceedings and has the same rights and obligations as the Authority would have had in the proceedings.

168 Minister may dispose of or deal with residual assets

The Minister may, on behalf of the Commonwealth, dispose of or otherwise deal with the residual assets that become assets of the Commonwealth under section 166.

169 Exemption from certain State and Territory stamp duties

- (1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter or anything connected with an exempt matter.
- (2) An authorised person may, by signed writing, certify that:
 - (a) a specified matter or thing is an exempt matter; or
 - (b) a specified thing was done in connection with a specified exempt matter.
- (3) In all courts and for all purposes, a certificate under subsection (2) is evidence of the matter stated in the certificate.
- (4) A document that appears to be a certificate under subsection (2) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (5) In this section:

exempt matter means:

 - (a) residual assets and residual liabilities ceasing to be assets and liabilities of the Authority under section 166 and becoming assets and liabilities of the Commonwealth under that section; or
 - (b) the operation of this Part in any other respect.

170 Certificates in relation to interests in land

- (1) This section applies if:
 - (a) land becomes land of the Commonwealth under this Part; and
 - (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the land, whether by reference to a map or otherwise; and
 - (iii) states that the land has become land of the Commonwealth under this Part.
- (2) The land registration official may:
 - (a) register the matter in the same way in which dealings in land of that kind are registered; and
 - (b) deal with, and give effect to, the certificate.
- (3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (4) In this section:

land registration official means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

171 Certificates in relation to other assets

- (1) This section applies if:
 - (a) an asset becomes an asset of the Commonwealth under this Part; and
 - (b) there is lodged with an assets official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the asset; and
 - (iii) states that the asset has, under this Part, become an asset of the Commonwealth.
- (2) The assets official may:

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- (a) deal with, and give effect to, the certificate as if the certificate were a proper and appropriate instrument for transactions in relation to assets of that kind; and
 - (b) make such entries in the register as are necessary having regard to the effect of section 166.
- (3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (4) In this section:
- assets official* means a person or authority who, under the law of the Commonwealth or of a State or Territory, has responsibility for keeping a register in relation to assets of the kind concerned.

172 Part to have effect in spite of laws and agreements prohibiting transfer etc.

- (1) This Part has effect, and must be given effect to, in spite of anything in:
- (a) any other law of the Commonwealth or any law of a State or Territory; or
 - (b) any instrument.
- (2) Without limiting subsection (1), if, apart from this section, the consent of a person would be necessary in order to give effect to this Part in a particular respect, the consent is taken to have been given.

173 Saving and transitional matters

The regulations may make provision for saving or transitional measures in relation to the abolition of the Authority by this Part.

Part 8A—Transfer of easements by the Commonwealth

173A Interpretation

In this Part, unless the contrary intention appears:

easement includes an interest in an easement, and any other right in relation to land.

Moomba pipeline has the same meaning as in Part 6.

MSP easement means an easement that is owned by the Commonwealth and that:

- (a) was owned by the Authority, or by Pacenco, immediately before the sale day; or
- (b) was acquired by the Commonwealth on or after the sale day under the *Lands Acquisition Act 1989*, for purposes in connection with a Moomba pipeline.

173B Transfer of MSP easements

Gazette notice by authorised person

- (1) An authorised person may, by notice in the *Gazette*, specify:
 - (a) an MSP easement; and
 - (b) a transfer type for the easement, being either a full transfer or half transfer; and
 - (c) one or 2 transferees in the case of a full transfer, or one transferee in the case of a half transfer; and
 - (d) the transfer day for the easement.

Full transfer

- (2) If the notice specifies a full transfer, then the MSP easement specified in the notice:

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- (a) ceases to be an asset of the Commonwealth; and
- (b) becomes an asset of the transferee or, in the case of 2 transferees, becomes an asset of the transferees as tenants in common in equal shares.

Half transfer

- (3) If the notice specifies a half transfer, then the MSP easement specified in the notice:
 - (a) ceases to be an asset of the Commonwealth; and
 - (b) becomes an asset of the transferee and the Commonwealth as tenants in common in equal shares.

When transfer happens etc.

- (4) A change in the ownership of an MSP easement under this section happens:
 - (a) at the beginning of the transfer day; and
 - (b) by force of this section.

Commonwealth may receive payment for transfer

- (5) The Commonwealth may receive a payment for a change of ownership under this section.

Multiple easements in same Gazette notice

- (6) A single notice under subsection (1) may cover more than one MSP easement, in which case this section applies separately to each of the easements covered by the notice.

173C Instruments relating to transferred easements

- (1) An authorised person may, by notice in the *Gazette*, on or before the transfer day for a particular MSP easement, specify an instrument that relates to the easement for the purposes of this section.

- (2) An instrument specified in a notice under subsection (1) continues to have effect, on and after the transfer day, for the MSP easement concerned, as if a reference in the instrument to the Commonwealth were a reference to the person or persons who became the owners of the easement under section 173B.
- (3) In this section:
instrument includes a document.

173D Certificates in relation to interests in land

- (1) This section applies if:
- (a) an interest in land becomes an interest in land of a person or persons under this Part; and
 - (b) there is lodged with a land registration official a certificate that:
 - (i) is signed by an authorised person; and
 - (ii) identifies the interest, whether by reference to a map or otherwise; and
 - (iii) states that the interest has become an interest in land of that person or those persons under this Part.
- (2) The land registration official may:
- (a) register the matter in the same way in which dealings in interests in land of that kind are registered; and
 - (b) deal with, and give effect to, the certificate.
- (3) A document that appears to be a certificate under subsection (1) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (4) In this section:
land registration official means the Registrar of Titles or other proper officer of the State or Territory in which the land concerned is situated.

Section 173E

173E Part to have effect in spite of laws prohibiting transfers

- (1) This Part has effect, and must be given effect to, in spite of anything in:
 - (a) any law of the Commonwealth or any law of a State or Territory; or
 - (b) any instrument.
- (2) Without limiting subsection (1), if the consent of a person is necessary in order to give effect to this Part in a particular respect, the consent is taken to have been given.

173F Exemption from certain State and Territory stamp duties

- (1) No stamp duty is payable under a law of a State or Territory in respect of an exempt matter or anything connected with an exempt matter.
- (2) An authorised person may, by signed writing, certify that:
 - (a) a specified matter or thing is an exempt matter; or
 - (b) a specified thing was done in connection with a specified exempt matter.
- (3) In all courts and for all purposes, a certificate under subsection (2) is evidence of the matter stated in the certificate.
- (4) A document that appears to be a certificate under subsection (2) is taken to be such a certificate and to have been properly given unless the contrary is established.
- (5) In this section:

exempt matter means:

 - (a) an MSP easement ceasing to be an asset of the Commonwealth and becoming an asset of another person or persons, or of the Commonwealth and another person, under this Part; or
 - (b) the operation of this Part in any other respect.

Part 9—Miscellaneous

174 Regulations

- (1) The Governor-General may make regulations prescribing all matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular but without limiting subsection (1), the regulations may prescribe:
 - (a) the fees payable to the ACCC on making a prescribed application, or giving a prescribed notice, to the ACCC under this Act or the regulations; and
 - (b) matters in connection with the procedure of the ACCC; and
 - (c) fees and expenses of witnesses in proceedings before the ACCC; and
 - (d) matters for and in relation to the costs, if any, that may be awarded by the Federal Court in proceedings before the Federal Court under this Act.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Moomba-Sydney Pipeline System Sale Act 1994	70, 1994	10 June 1994	s 1–4, 6, 7: 10 June 1994 (s 2(1)) Remainder: 30 June 1994 (s 2(2))	
Pipeline Legislation Amendment Act 1994	167, 1994	16 Dec 1994	s 4, 5: 30 June 1994 (s 2(2))	—
Competition Policy Reform Act 1995	88, 1995	20 July 1995	Sch 3 (in part), Note about section headings: 6 Nov 1995 (s 2(2) and gaz 1995, No S423)	—
Workplace Relations and Other Legislation Amendment Act 1996	60, 1996	25 Nov 1996	Sch 19 (item 30): 25 Nov 1996 (s 2(1))	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1997	94, 1997	30 June 1997	Sch 5: 30 June 1997 (s 2(1))	—
Gas Pipelines Access (Commonwealth) Act 1998	101, 1998	30 July 1998	Sch 1 (items 2–4): 14 Aug 1998 (s 2(2)(b))	Sch 1 (items 3, 4)
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s 4 and Sch 1 (items 172, 496): 22 Feb 2005 (s 2(1) items 1, 2, 10)	s 4 and Sch 1 (item 496)
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 17 (item 1): 1 July 2009 (s 2(1) item 40)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 125, 126): 19 Apr 2011 (s 2(1) item 13)	—

Moomba-Sydney Pipeline System Sale Act 1994

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Compilation No. 8

Compilation date: 19/04/2011

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Division 2	
s 3.....	am No 60, 1996; No 54, 2009; No 5, 2011
Part 2	
Division 2	
s 16.....	am No 167, 1994
Division 3	
s 18.....	am No 167, 1994
Part 4	
s 50.....	am No 8, 2005
s 51.....	am No 5, 2011
Part 6	
Part 6.....	rep No 101, 1998
Division 1	
s 66.....	am No 88, 1995 rep No 101, 1998
s 67.....	rep No 101, 1998
s 68.....	rep No 101, 1998
s 69.....	rep No 101, 1998
s 70.....	rep No 101, 1998
Division 2	
s 71.....	rep No 101, 1998
s 72.....	am No 88, 1995 rep No 101, 1998
Division 3	
s 73.....	rep No 101, 1998
s 74.....	am No 88, 1995 rep No 101, 1998

Endnote 4—Amendment history

Provision affected	How affected
s 75.....	am No 88, 1995 rep No 101, 1998
s 76.....	am No 88, 1995 rep No 101, 1998
s 77.....	am No 88, 1995 rep No 101, 1998
Division 4	
Subdivision A	
Subdivision A heading.....	am No 88, 1995
s 78.....	am No 88, 1995 rep No 101, 1998
s 79.....	am No 88, 1995 rep No 101, 1998
s 80.....	am No 88, 1995 rep No 101, 1998
s 81.....	am No 88, 1995 rep No 101, 1998
s 82.....	am No 88, 1995 rep No 101, 1998
s 83.....	am No 88, 1995 rep No 101, 1998
s 84.....	am No 88, 1995 rep No 101, 1998
s 85.....	am No 88, 1995 rep No 101, 1998
s 86.....	am No 88, 1995 rep No 101, 1998
s 87.....	am No 88, 1995 rep No 101, 1998
Subdivision B	
s 88.....	am No 88, 1995

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 101, 1998
s 89.....	am No 88, 1995
	rep No 101, 1998
s 90.....	am No 88, 1995
	rep No 101, 1998
s 91.....	am No 88, 1995
	rep No 101, 1998
s 92.....	am No 88, 1995
	rep No 101, 1998
s 93.....	am No 88, 1995
	rep No 101, 1998
s 94.....	am No 88, 1995
	rep No 101, 1998
s 95.....	am No 88, 1995
	rep No 101, 1998
Subdivision C	
s 96.....	am No 88, 1995
	rep No 101, 1998
s 97.....	am No 88, 1995
	rep No 101, 1998
s 98.....	am No 88, 1995
	rep No 101, 1998
s 99.....	am No 88, 1995
	rep No 101, 1998
s 100.....	am No 88, 1995
	rep No 101, 1998
s 101.....	am No 88, 1995
	rep No 101, 1998
s 102.....	am No 88, 1995
	rep No 101, 1998
s 103.....	rep No 101, 1998

Endnote 4—Amendment history

Provision affected	How affected
Subdivision D	
s 104.....	am No 88, 1995 rep No 101, 1998
Division 5	
Division 5 heading.....	am No 88, 1995
s 105.....	am No 88, 1995 rep No 101, 1998
s 106.....	am No 88, 1995 rep No 101, 1998
s 107.....	am No 88, 1995 rep No 101, 1998
s 108.....	am No 88, 1995 rep No 101, 1998
s 109.....	am No 88, 1995 rep No 101, 1998
s 110.....	am No 88, 1995 rep No 101, 1998
s 111.....	rep No 101, 1998
Division 6	
s 112.....	rep No 101, 1998
s 113.....	am No 88, 1995 rep No 101, 1998
s 114.....	am No 88, 1995 rep No 101, 1998
s 115.....	rep No 101, 1998
s 116.....	rep No 101, 1998
s 117.....	rep No 101, 1998
s 118.....	rep No 101, 1998
s 119.....	rep No 101, 1998
s 120.....	rep No 101, 1998
s 121.....	rep No 101, 1998

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 122.....	am No 88, 1995 rep No 101, 1998
s 123.....	am No 88, 1995 rep No 101, 1998
s 124.....	am No 88, 1995 rep No 101, 1998
s 125.....	rep No 101, 1998
Division 7	
s 126.....	rep No 101, 1998
s 127.....	rep No 101, 1998
s 128.....	rep No 101, 1998
Division 8	
s 129.....	rep No 101, 1998
s 130.....	rep No 101, 1998
s 131.....	am No 88, 1995 rep No 101, 1998
s 132.....	am No 88, 1995 rep No 101, 1998
s 133.....	am No 88, 1995 rep No 101, 1998
s 134.....	am No 88, 1995 rep No 101, 1998
s 135.....	am No 88, 1995 rep No 101, 1998
s 136.....	am No 88, 1995 rep No 101, 1998
Division 9	
s 137.....	rep No 101, 1998
s 138.....	rep No 101, 1998
s 139.....	am No 88, 1995 rep No 101, 1998

Endnote 4—Amendment history

Provision affected	How affected
s 140.....	rep No 101, 1998
s 141.....	am No 88, 1995
	rep No 101, 1998
s 142.....	am No 88, 1995
	rep No 101, 1998
s 143.....	am No 88, 1995
	rep No 101, 1998
s 144.....	rep No 101, 1998
s 145.....	rep No 101, 1998
s 146.....	rep No 101, 1998
Part 8A	
Part 8A.....	ad No 94, 1997
s 173A.....	ad No 94, 1997
s 173B.....	ad No 94, 1997
s 173C.....	ad No 94, 1997
s 173D.....	ad No 94, 1997
s 173E.....	ad No 94, 1997
s 173F.....	ad No 94, 1997
Part 9	
s 174.....	am No 88, 1995