



# Pipeline Legislation Amendment Act 1994

No. 167 of 1994

---

---

**An Act to amend the *Moomba-Sydney Pipeline System Sale Act 1994* and the *Pipeline Authority Act 1973***

[Assented to 16 December 1994]

The Parliament of Australia enacts:

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Pipeline Legislation Amendment Act 1994*.

### **Commencement**

2.(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Part 2 is taken to have commenced on 30 June 1994.

### **PART 2—AMENDMENTS OF THE MOOMBA-SYDNEY PIPELINE SYSTEM SALE ACT 1994**

#### **Principal Act**

3. In this Part, “**Principal Act**” means the *Moomba-Sydney Pipeline System Sale Act 1994*<sup>1</sup>.

#### **Dual destination instruments that create easements**

4. Section 16 of the Principal Act is amended by adding at the end:

“(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.”.

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

5. Section 18 of the Principal Act is amended:

(a) by omitting from subsection (1) “that is not specified in the easement agreement” and substituting “covered by section 17”;

(b) by adding at the end:

“(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.”.

### **PART 3—AMENDMENT OF THE PIPELINE AUTHORITY ACT 1973**

#### **Principal Act**

6. In this Part, “**Principal Act**” means the *Pipeline Authority Act 1973*<sup>2</sup>.

#### **Insertion of new Part VB**

7. After Part VA of the Principal Act the following Part is inserted:

### **“PART VB—TRANSFER TO GORODOK OF EASEMENTS OF THE AUTHORITY RELATING TO THE MOOMBA-BOTANY PIPELINE**

#### **Definitions**

“33ZE. In this Part, unless the contrary intention appears:

**‘authorised person’** means:

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

**‘easement’** includes a right in relation to land;

**‘Gorodok’** means Gorodok Proprietary Limited (A.C.N. 057 156 751);

**‘instrument’** includes a document;

**‘Moomba-Botany pipeline’** means the pipeline that, when constructed, will carry gas from Moomba in South Australia to Botany in New South Wales;

**‘transfer day’**, in relation to a transferring interest, means the day specified in a notice under section 33ZF;

**‘transferring interest’** means an easement specified in a notice under section 33ZF.

#### **Specifying the easements etc. to be transferred to Gorodok and the transfer day**

“33ZF.(1) An authorised person may, by notice in the *Gazette*, specify:

- (a) an easement that relates to the Moomba-Botany pipeline; and
- (b) the transfer day for that easement.

“(2) The authorised person may make and publish one or more notices under subsection (1).

#### **Transfer to Gorodok of transferring interests of the Authority**

“33ZG. By force of this section, each transferring interest of the Authority:

- (a) ceases to be an asset of the Authority; and
- (b) becomes an asset of Gorodok;

on the transfer day for the interest.

#### **Instruments relating to the transferring interests of the Authority**

“33ZH.(1) An authorised person may, by notice in the *Gazette*, on or before the transfer day for a particular transferring interest, specify an instrument that relates to the interest 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 transferring interest that relates to the instrument, as if a reference in the instrument to the Authority were a reference to Gorodok.

#### **Certificates in relation to interests in land**

“33ZJ.(1) This section applies if:

- (a) an interest in land becomes an interest in land of Gorodok under this Part; and

*Pipeline Legislation Amendment No. 167, 1994*

- (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 Gorodok 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 in which the land concerned is situated.

**Commonwealth and Authority to take steps necessary to carry out transfers**

“33ZK. The Commonwealth and the Authority must take the steps that are necessary to ensure that this Part is fully effective.

**Part to have effect in spite of laws prohibiting transfers**

“33ZL.(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.”.

*Pipeline Legislation Amendment No. 167, 1994*

**NOTES**

1. No. 70, 1994.
2. No. 42, 1973, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; No. 36, 1978; No. 109, 1980; No. 115, 1983; Nos. 65, 159 and 166, 1985; No. 76, 1986; Nos. 21 and 129, 1989; Nos. 122 and 199, 1991; Nos. 7 and 188, 1992; and Nos. 20 and 70, 1994.

*[Minister's second reading speech made in—  
Senate on 9 November 1994  
House of Representatives on 6 December 1994 ]*