

## **National Gas (Tasmania) Bill 2008**

### Clause Notes

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| Clause 1  | provides for the name (short title) of the Act.   |
| Clause 2  | provides for the Act to commence by proclamation and allows different provisions to commence on different days.   |
| Clause 3  | (1) provides definitions of National Gas (Tasmania) Law, National Gas (Tasmania) Regulations and South Australian Act.<br><br>(2) provides that words and expressions used in both the National Gas (Tasmania) Law and this Act have the same respective meanings.<br><br>(3) these interpretations do not apply where there is a contrary intention. |
| Clause 4  | provides that the legislation binds the Crown.  |
| Clause 5  | (1) applies the legislation to the coastal waters of the State.<br><br>(2) provides definitions for “adjacent area in respect of the state” and “coastal waters”.   |
| Clause 6  | provides for the extraterritorial operation of the legislation.   |
| Clause 7  | applies the National Gas Law as set out in the Schedule to the South Australian Act as a law of Tasmania. The applied law is to be referred to as the National Gas (Tasmania) Law.  |
| Clause 8  | provides that regulations in force under Part 3 of the South Australian Act apply as regulations in force for the purposes of the National Gas (Tasmania) Law. The applied regulations are to be referred to as National Gas (Tasmania) Regulations.  |
| Clause 9  | (1) contains a number of definitions used for the purposes of the National Gas (Tasmania) Law and the National Gas (Tasmania) Regulations.<br><br>(2) excludes the operation of the Acts Interpretation Act 1915 of South Australia as this Act forms part of a cooperative legislative scheme involving other Australian jurisdictions.              |
| Clause 10 | (1) empowers the Commonwealth Minister, and Commonwealth bodies to do acts in or in relation to Tasmania when performing or exercising a function or power conferred by the national gas legislation of another participating jurisdiction.   |

(2) lists the Commonwealth bodies referred to in 10(1) above.

Clause 11 empowers the Minister of another participating jurisdiction to do acts in or in relation to Tasmania when performing or exercising a function or power conferred by the national gas legislation of another participating jurisdiction.

Clause 12 empowers the Minister to perform or exercise a function or power conferred on the Minister by the national gas legislation of another participating jurisdiction.

Clause 13 (1) provides an exemption from State duties or taxes for certain transactions in relation to transfers of assets and liabilities that are considered to be exempt matters.

(2) provides a definition of an exempt matter, which is a transfer of assets or liabilities by a person to ensure that person does not breach the ring-fencing requirements imposed by national gas legislation or the AER.

Clause 14 (1) provides that if any action is taken under the national gas legislation of a participating jurisdiction with respect to a cross boundary pipeline by a relevant Minister or a Supreme Court of the jurisdiction, each other relevant Minister or Supreme Court in any other participating jurisdiction in which the pipeline is situated is also taken to have taken that action.

(2) no appeal is permitted against any such action by a relevant Minister except in the jurisdiction with which the pipeline is most closely connected.

(3) provides that a reference in this section to an action or purported action includes references to a decision, determination, or omission made or purported decision or determination that is purportedly made.

(4) defines a cross boundary pipeline as either a cross boundary transmission or distribution pipeline.

Clause 15 provides that the Law and regulations operate to the full extent of, but do not exceed, the legislative power of the Parliament. In particular the Law is not to be interpreted as imposing any duty on the Commonwealth Minister or Commonwealth Bodies if the imposition of the duty would be beyond the legislative power of the Parliament.

Clause 16 (1) provides the power to make regulations for the purposes of the Act.

(2) the regulations may contain savings or transitional provisions as a result of enacting provisions of this Act.

- Clause 17 provides for the substitution of definitions of adjacent area of this jurisdiction and adjacent area of another participating jurisdiction in proposed section 9(1) on the commencement of section 7 of the Commonwealth's Offshore Petroleum Act 2006.
- Clause 18 assigns the administration of the Act to the Minister for Energy and Resources, and assigns responsibility to the Minister in relation to administration of the Act to the Department of Infrastructure, Energy and Resources.
- Clause 19 repeals the legislation specified in Schedule 1
- Clause 20 rescinds the legislation specified in Schedule 2.
- Schedule 1 repeals the Gas Pipelines Access (Tasmania) Act 2000.
- Schedule 2 rescinds the Gas Pipelines Access (Tasmania) Regulations 2001.