

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

NATIONAL GAS (ACT) BILL 2008

EXPLANATORY STATEMENT

Circulated by the authority of
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Minister for the Environment, Water and Climate Change

National Gas (ACT) Bill

PURPOSE

An Act to establish a framework to enable third parties to gain access to certain National gas pipeline services, and for other purposes.

EXPLANATORY STATEMENT

The objects of this Bill are:

- i. to apply, as a law of the Australian Capital Territory, the National Gas Law set out in the Schedule to the National Gas (South Australia) Act 2008 of South Australia, and
- ii. to apply, as regulations for the purposes of that Law, the regulations under Part 3 of that Act.

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day commences on a day fixed by the Minister by written notice.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides that a term used in the *National Gas (ACT) Law* has the same meaning in this Act.

Clause 5 provides A note included in this Act is explanatory and is not part of this Act.

Clause 6 provides that the National Gas (ACT) Law and the National Gas (ACT) Regulations bind the Crown.

Clause 7 provides for the extra-territorial operation of the National Gas (ACT) Law and the National Gas (ACT) Regulations.

Part 2 National Gas (ACT) Law and National Gas (ACT) Regulation

Clause 8 applies, as a law of Australian Capital Territory, the National Gas Law set out in the Schedule to the National Gas (South Australia) Act 2008 of South Australia. The applied Law is to be referred to as the National Gas (ACT) Law

Clause 9 applies, as regulations for the purposes of the National Gas (ACT) Law, the regulations in force under Part 3 of the National Gas (South Australia) Act 2008 of South Australia. The applied regulations are to be referred to as the National Gas (ACT) Regulations.

Clause 10 interpretation of some terms in National Gas (ACT) Law and National Gas (ACT) Regulation

Part 3 Cross-vesting of powers

Clause 11 provides for the Minister of the Commonwealth administering the Australian Energy Market Act 2004 of the Commonwealth (the Commonwealth Minister), the Australian Energy Regulator, the National Competition Council and the Australian Competition Tribunal to do acts in, or in relation to, this Territory in the performance or exercise of a function or power conferred by the national gas legislation of another participating State or Territory.

Clause 12 provides for the Minister of another participating State or Territory to do acts in, or in relation to, this Territory in the performance or exercise of a function or power conferred by the national gas legislation of another participating State or Territory.

Clause 13 provides that if the national gas legislation of another participating State or Territory confers a function or power on the Minister for Energy, the Minister may perform that function or exercise that power.

Part 4 Miscellaneous

Clause 14 provides for an exemption from Territory duties or taxes in relation to certain transfers of assets or liabilities that are made for the purposes of ensuring that a person does not carry on a business of producing, purchasing or selling National gas or processable gas in breach of any ring fencing requirements of the national gas legislation or for the purpose of the separation of certain businesses or business activities as required by an Australian Energy Regulator ring fencing determination.

Clause 15 provides that the Treasurer may declare that a transfer of assets or liabilities is an exempt matter for Clause 14.

Clause 16 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. No grounds for appeal is permitted against any such action by a relevant Minister except in the jurisdiction with which the pipeline is most closely connected.

Clause 17 provides that a provision of the proposed Act or the National Gas (NSW) Regulations is to be construed so as not to exceed the legislative power of the Parliament, in particular with respect to a provision that appears to impose a duty on the Commonwealth Minister, the Australian Energy Regulator, the National Competition Council or the Australian Competition Tribunal.

Clause 18 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 19 amends the legislation mentioned in Schedules 1 and 2.

Clause 20 provides for the repeal of the Gas Pipelines Access (ACT) Act 1998.

Schedule 1 amends Offshore Petroleum Act 2006 (Cwlth)

Schedule 1 contains amendments to a number of Acts including the *Gas Safety Act 2000*, the *Independent Competition and Regulatory Commission Act 1997*, the *Legislation Act 2001* and the *Utilities Act 2000* that are consequential on the commencement of the proposed Act.