



# **Moomba-Sydney Pipeline System Sale Act 1994**

**No. 70, 1994 as amended**

**Compilation start date:** 1 July 2014

**Includes amendments up to:** Act No. 62, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *Moomba-Sydney Pipeline System Sale Act 1994* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 11 August 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### Application, saving and transitional provisions for provisions and amendments

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

### Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

---

## Contents

<b>Part 1—Preliminary</b>	<b>1</b>
<b>Division 1—Short title and commencement</b>	<b>1</b>
1 Short title .....	1
2 Commencement .....	1
<b>Division 2—Definitions and binding the Crown</b>	<b>2</b>
3 Definitions .....	2
4 The sale day .....	5
5 Act binds the Crown .....	5
<b>Part 2—Transfers etc. of assets etc. to Newco and the Commonwealth</b>	<b>6</b>
<b>Division 1—Transfer of certain assets etc. relating to the Moomba-Sydney pipeline system from the Authority and Pacenco to Newco</b>	<b>6</b>
<b>Subdivision A—Nomination of Newco</b>	<b>6</b>
6 Nomination of Newco .....	6
<b>Subdivision B—Certain staff members of the Authority to become employees of Newco</b>	<b>6</b>
7 Staff member of the Authority may consent to being employed by Newco .....	6
8 Certain staff members of the Authority to become employees of Newco .....	7
9 Subdivision not to affect certain matters relating to transferring staff members .....	7
10 Variation of terms and conditions of employment .....	8
11 Transferring staff member not to be eligible for re-appointment under the <i>Public Service Act 1922</i> .....	8
<b>Subdivision C—Transfer of certain assets etc. relating to the Moomba-Sydney pipeline system business from the Authority and Pacenco to Newco</b>	<b>9</b>
12 Certain assets and liabilities of the Authority and Pacenco to become assets and liabilities of Newco .....	9
13 References in certain instruments to the Authority or Pacenco to be references to Newco on and after the sale day .....	9

---

<b>Division 2—Provisions relating to the transfer of dual destination interests to the Commonwealth and Newco</b>	10
14 Dual destination interests become assets of Newco and the Commonwealth .....	10
15 Dual destination instruments that do not create easements .....	10
16 Dual destination instruments that create easements .....	10
<b>Division 3—Transfer to the Commonwealth of certain assets and liabilities and provisions relating to certain obligations of the Authority or Pacenco</b>	12
17 Transfer to the Commonwealth of easements of the Authority or Pacenco that are not specified in the easement agreement .....	12
18 Instruments relating to the easements of the Authority or Pacenco that are not specified in the easement agreement .....	12
19 Commonwealth-guaranteed debts of the Authority become debts of the Commonwealth .....	13
20 Instruments relating to Commonwealth-guaranteed debts .....	13
21 Commonwealth and Authority liable to pay certain amounts in relation to Commonwealth-guaranteed debts .....	13
22 Commonwealth liable to pay an amount to the Authority equal to Authority's debts to the Commonwealth and set-off of debts .....	14
23 Cancellation of debts owed by Pacenco to the Authority .....	14
<b>Division 4—Exemption from State and Territory stamp duties</b>	15
24 Exemption from certain State and Territory stamp duties .....	15
<b>Division 5—Miscellaneous provisions relating to the transfer of assets etc. under Divisions 1, 2 and 3</b>	16
25 Certificates in relation to interests in land .....	16
26 Certificates in relation to other assets .....	16
27 Ending of certain rights that restrict the transfer of the Moomba-Sydney pipeline system .....	17
28 Authority, Pacenco and Commonwealth to take steps necessary to carry out transfers .....	18
29 Extraterritorial operation of Subdivision .....	18
30 Part to have effect in spite of laws and agreements prohibiting transfer etc. ....	18
31 Compensation for acquisition of property .....	18

---

---

<b>Part 3—Transitional and saving provisions in respect of employees of Newco that relate to the sale of shares in Newco by the Commonwealth</b>	20
<b>Division 1—Certain staff members of the Authority taken to have resigned</b>	20
32 Certain staff members of the Authority taken to have resigned .....	20
<b>Division 2—Transitional and saving provisions in relation to long service leave</b>	22
33 Definitions .....	22
34 Long service leave for employees with less than 10 years service .....	22
35 Payments in lieu of long service leave for employees with less than 10 years service .....	24
36 Payments on the death of an employee .....	25
37 Employee's long service leave credit for the purposes of sections 34 and 35 .....	26
38 Division not to affect an employee's post-sale long service leave rights .....	27
39 Saving—Long Service Leave Act .....	27
<b>Division 3—Transitional and saving provisions relating to the Safety, Rehabilitation and Compensation Act 1988</b>	28
40 Interpretation .....	28
41 Transitional provisions relating to the SRC Act that relate to certain Newco body employees .....	28
42 Commonwealth liable to meet certain SRC Act liabilities and to be taken to be the employer in certain circumstances under the SRC Act .....	28
<b>Division 4—Transitional and saving provisions in relation to superannuation and other retirement benefits</b>	29
43 Saving—deferred benefits under the <i>Superannuation Act 1922</i> .....	29
44 Savings—deferred benefits under the <i>Superannuation Act 1976</i> .....	29
45 Contribution day for the purposes of the <i>Superannuation Act 1976</i> .....	30
46 Saving—deferred benefits under the DFRDB Act .....	30
<b>Division 5—Other transitional and saving provisions</b>	31
47 Transitional maternity leave provisions for maternity leave beginning after the sale day .....	31

---

---

48	Transitional maternity leave provisions for staff members of the Authority who are on maternity leave immediately before the sale day .....	31
49	Cessation of mobility rights.....	32
<b>Part 4—Other provisions relating to the sale of shares in Newco by the Commonwealth</b>		<b>33</b>
50	Transitional provision relating to the <i>Crimes (Superannuation Benefits) Act 1989</i> .....	33
51	Commonwealth payment to Newco.....	34
52	Newco not to be taken to be established by the Commonwealth .....	34
53	Exemption from State and Territory stamp duties .....	34
54	Ending the Authority's liability under the <i>Commonwealth Borrowing Levy Act 1987</i> .....	35
55	Ending the Authority's liability under the <i>Commonwealth Guarantees (Charges) Act 1987</i> .....	35
<b>Part 5—Post-sale day staff provisions</b>		<b>36</b>
56	Transfer time .....	36
57	Staff members who receive a Newco employment offer after sale day .....	36
58	Certain staff members of the Authority who received a Newco employment offer under section 57 taken to have resigned .....	36
59	Staff members who receive a second Newco employment offer may consent to being employed by Newco after the sale day .....	38
60	Certain staff members of the Authority to become employees of Newco .....	39
61	Part not to affect certain matters relating to transferring staff members .....	39
62	Variation of terms and conditions of employment.....	40
63	Post-sale transferee not to be eligible for re-appointment under the <i>Public Service Act 1922</i> .....	40
64	Certain staff members of the Authority taken to have resigned .....	40
65	Application of other transitional and saving provisions.....	41
<b>Part 7—Amendments of the Pipeline Authority Act 1973</b>		<b>43</b>
147	Principal Act.....	43
148	Interpretation .....	43
149	Membership of Authority .....	44
150	Leave of absence .....	44

---

---

151	Chief Executive Officer .....	44
152	Acting appointments—part-time directors .....	44
153	Meetings of Authority .....	44
154	Repeal of section and substitution of new section .....	44
155	Duties of the Authority .....	45
156	Insertion of new section.....	46
157	Particular powers of the Authority.....	46
158	Repeal of section and substitution of new section .....	46
159	Repeal of sections 18A and 25 .....	47
160	Repeal of section and substitution of new section .....	47
161	Repeal of section 33B.....	49
<b>Part 8—Abolition of the Pipeline Authority</b>		<b>50</b>
162	Principal Act.....	50
163	Definitions.....	50
164	Repeal of sections and substitution of new section.....	51
165	Repeal of Parts II, III, IV and VI.....	51
166	Residual assets and liabilities to become Commonwealth assets and liabilities of the Commonwealth.....	51
167	Pending proceedings.....	51
168	Minister may dispose of or deal with residual assets .....	52
169	Exemption from certain State and Territory stamp duties .....	52
170	Certificates in relation to interests in land .....	52
171	Certificates in relation to other assets .....	53
172	Part to have effect in spite of laws and agreements prohibiting transfer etc.....	54
173	Saving and transitional matters.....	54
<b>Part 8A—Transfer of easements by the Commonwealth</b>		<b>55</b>
173A	Interpretation .....	55
173B	Transfer of MSP easements.....	55
173C	Instruments relating to transferred easements.....	56
173D	Certificates in relation to interests in land .....	57
173E	Part to have effect in spite of laws prohibiting transfers.....	57
173F	Exemption from certain State and Territory stamp duties .....	58
<b>Part 9—Miscellaneous</b>		<b>59</b>
174	Regulations.....	59

---

---

<b>Endnotes</b>	60
<b>Endnote 1—About the endnotes</b>	60
<b>Endnote 2—Abbreviation key</b>	62
<b>Endnote 3—Legislation history</b>	63
<b>Endnote 4—Amendment history</b>	66
<b>Endnote 5—Uncommenced amendments [none]</b>	71
<b>Endnote 6—Modifications [none]</b>	71
<b>Endnote 7—Misdescribed amendments [none]</b>	71
<b>Endnote 8—Miscellaneous [none]</b>	71



# **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 *Public Governance, Performance and Accountability Act 2013*.

**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.

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:

Section 16

---

- (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
  - (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).

**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

---

- (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.

***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

## Section 28

---

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

Section 31

---

- (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.

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) 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.
- (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

**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

---

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 employer 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
  - (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.

**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 37

---

- (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.
- (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.

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

## Section 40

---

### **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.

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

**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 45

---

### **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.

## **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.

**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 49

---

### 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.

## Section 51

---

- (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.

### **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:

Section 54

---

- (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).

---

Section 58

---

- (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:
- (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

## Section 59

---

- (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.
- (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

## Section 62

---

- (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



---

Section 65

---

- (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 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

**Section 65**

---

- (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.”.

Section 149

---

**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”.

Section 156

---

**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 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
  - (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.

Section 160

---

“(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:

***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.”.



Section 161

---

**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 repeal day, the Commonwealth is substituted for the Authority in

## Section 168

---

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:
  - (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.

**Section 172**

---

- (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:
  - (a) ceases to be an asset of the Commonwealth; and

## Section 173C

---

- (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



---

Section 173D

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.

**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:

Section 173F

---

- (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 details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

---

#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## 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	ss. 1–4, 6 and 7: Royal Assent Remainder: 30 June 1994 ( <i>see Gazette</i> 1994, No. S272)	
Pipeline Legislation Amendment Act 1994	167, 1994	16 Dec 1994	Part 2 (ss. 3–5): 30 June 1994 Remainder: Royal Assent	—
Competition Policy Reform Act 1995	88, 1995	20 July 1995	Schedule 3 (in Part): 6 Nov 1995 ( <i>see Gazette</i> 1995, No. S423) ( <i>a</i> )	—
Workplace Relations and Other Legislation Amendment Act 1996 <b>as amended by</b> Workplace Relations and Other Legislation Amendment Act (No. 2) 1996	60, 1996  77, 1996	25 Nov 1996  19 Dec 1996	Schedule 19 (item 30): Royal Assent ( <i>b</i> )  Schedule 3 (items 1, 2): ( <i>c</i> )	s. 2(2), (6) (am. by 77, 1996, Sch. 3 [items 1, 2])  —
Primary Industries and Energy Legislation Amendment Act (No. 2) 1997	94, 1997	30 June 1997	Schedule 5: Royal Assent ( <i>d</i> )	—
Gas Pipelines Access (Commonwealth) Act 1998	101, 1998	30 July 1998	Schedule 1 (items 2–4): 14 Aug 1998 ( <i>e</i> )	Sch. 1 (items 3, 4)
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s. 4 and Schedule 1 (items 172, 496): Royal Assent	s. 4 and Sch. 1 (item 496)

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Schedule 17 (item 1): (f)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 125, 126): 19 Apr 2011	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 10 (item 17) and Sch 14 (items 1–4): 1 July 2014 (s 2(1) items 6, 14)	Sch 14 (items 1–4)

- (a) The *Moomba-Sydney Pipeline System Sale Act 1994* was amended by Schedule 3 (in part) of the *Competition Policy Reform Act 1995*, subsection 2(2) of which provides as follows:
- (2) Part 3 commences on a day to be fixed by Proclamation. However, if Part 3 does not commence by Proclamation within the period of 6 months beginning on the day on which this Act receives the Royal Assent, then it commences on the first day after the end of that period.
- (b) The *Moomba-Sydney Pipeline System Sale Act 1994* was amended by Schedule 19 (item 30) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (c) The *Workplace Relations and Other Legislation Amendment Act 1996* was amended by Schedule 3 (items 1, 2) only of the *Workplace Relations and Other Legislation Amendment Act (No. 2) 1996*, subsection 2(4) of which provides as follows:
- (4) The items of Schedule 3 are taken to have commenced immediately after the *Workplace Relations and Other Legislation Amendment Act 1996* received the Royal Assent.
- (d) The *Moomba-Sydney Pipeline System Sale Act 1994* was amended by Schedule 5 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1997*, subsection 2(1) of which provides as follows:



## Endnote 3—Legislation history

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (e) The *Moomba-Sydney Pipeline System Sale Act 1994* was amended by Schedule 1 (item 2) only of the *Gas Pipelines Access (Commonwealth) Act 1998*, subsection 2(2) of which provides as follows:
- (2) Items 2 to 4 of Schedule 1 commence at the commencement of the later of:
- (a) sections 13 and 14 of the *Gas Pipelines Access (South Australia) Act 1997* of South Australia; and
  - (b) the provisions that correspond to those sections and that are contained in a law of New South Wales that substantially corresponds to Parts 1, 2, 4 and 5 of the *South Australian Act*.
- The *Gas Pipelines Access (South Australia) Act 1997* of South Australia commenced on 30 July 1998 (see *SA Government Gazette* 2 April 1998, p. 1606). The *Gas Pipelines Access (New South Wales) Act 1998* of New South Wales (except Schedule 1.1) commenced on 14 August 1998 (see *NSW Government Gazette* No. 120, 14 August 1998, p. 6026).
- (f) Subsection 2(1) (item 40) of the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
40. Schedule 17	Immediately after the commencement of Part 2-4 of the <i>Fair Work Act 2009</i> .	1 July 2009

## Endnotes

### Endnote 4—Amendment history

---

### Endnote 4—Amendment history

Provision affected	How affected
<b>Part 1</b>	
<b>Division 2</b>	
s. 3 .....	am. No. 60, 1996; No. 54, 2009; No. 5, 2011; No 62, 2014
<b>Part 2</b>	
<b>Division 2</b>	
s. 16 .....	am. No. 167, 1994
<b>Division 3</b>	
s. 18 .....	am. No. 167, 1994
<b>Part 4</b>	
s. 50 .....	am. No. 8, 2005
s. 51 .....	am. No. 5, 2011
Part 6 .....	rep. No. 101, 1998
s. 66 .....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 67–71 .....	rep. No. 101, 1998
s. 72 .....	am. No. 88, 1995
	rep. No. 101, 1998
s. 73 .....	rep. No. 101, 1998
ss. 74–77 .....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to Subdiv. A of .....	am. No. 88, 1995
Div. 4 of Part 6 .....	rep. No. 101, 1998
Heading to s. 78 .....	am. No. 88, 1995
	rep. No. 101, 1998
s. 78 .....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 79 .....	am. No. 88, 1995
	rep. No. 101, 1998
s. 79 .....	am. No. 88, 1995
	rep. No. 101, 1998

## Endnote 4—Amendment history

Provision affected	How affected
Heading to s. 80.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 80.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 81.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 81, 82.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 83.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 83, 84.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 85.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 85, 86.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 87.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 87.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 88.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 88, 89.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 90.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 90.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 91.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 91.....	am. No. 88, 1995
	rep. No. 101, 1998

## Endnotes

### Endnote 4—Amendment history

---

Provision affected	How affected
Heading to s. 92.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 92, 93.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 94.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 94, 95.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 96.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 96–98.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 99.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 99.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 100.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 100.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 101.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 101, 102.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 103.....	rep. No. 101, 1998
s. 104.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to Div. 5 of Part 6.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 105–107.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 108.....	am. No. 88, 1995

---

## Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 101, 1998
s. 108.....	rep. No. 101, 1998
Heading to s. 109.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 109.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 110.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 110.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 111, 112.....	rep. No. 101, 1998
ss. 113, 114.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 115–121.....	rep. No. 101, 1998
ss. 122, 123.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 124.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 124.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 125–130.....	rep. No. 101, 1998
Heading to s. 131.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 131.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 132.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 132.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 133.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 133.....	am. No. 88, 1995

## Endnotes

### Endnote 4—Amendment history

---

Provision affected	How affected
	rep. No. 101, 1998
s. 134.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 135.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 135.....	am. No. 88, 1995
	rep. No. 101, 1998
Heading to s. 136.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 136.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 137,138.....	rep. No. 101, 1998
Heading to s. 139.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 139.....	am. No. 88, 1995
	rep. No. 101, 1998
s. 140.....	rep. No. 101, 1998
ss. 141–143.....	am. No. 88, 1995
	rep. No. 101, 1998
ss. 144–146.....	rep. No. 101, 1998
<b>Part 8A</b>	
Part 8A.....	ad. No. 94, 1997
ss. 173A–173F.....	ad. No. 94, 1997
<b>Part 9</b>	
s. 174.....	am. No. 88, 1995

---

Endnote 5—Uncommenced amendments [none]

**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**