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SPECIAL SUPPLEMENT

Energy Administration (Natural Gas Rationing) Amendment Regulation 2004

under the

Energy Administration Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Energy Administration Act 1987*.

FRANK SARTOR, M.P.,
Minister for Energy and Utilities

Explanatory note

The object of this Regulation is to amend the *Energy Administration (Natural Gas Rationing) Regulation 2004* so as to augment the powers conferred on the Minister for Energy and Utilities by that Regulation in relation to the giving of directions with respect to the transmission, distribution, storage, supply, sale and use of natural gas and related matters.

This Regulation is made under the *Energy Administration Act 1987*, including section 25.

Clause 1 Energy Administration (Natural Gas Rationing) Amendment Regulation
 2004

Energy Administration (Natural Gas Rationing) Amendment Regulation 2004

under the

Energy Administration Act 1987

1 Name of Regulation

This Regulation is the *Energy Administration (Natural Gas Rationing) Amendment Regulation 2004*.

2 Amendment of Energy Administration (Natural Gas Rationing) Regulation 2004

The *Energy Administration (Natural Gas Rationing) Regulation 2004* is amended as set out in Schedule 1.

Energy Administration (Natural Gas Rationing) Amendment Regulation
2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order:

gas facility means any facility that takes natural gas from a gas pipeline and stores, transports or uses the natural gas so taken, and includes anything downstream of any such facility.

gas pipeline means any pipeline used for the transmission, distribution or storage of natural gas, and includes any transmission pipeline or distribution pipeline within the meaning of the *Gas Pipelines Access (New South Wales) Law*, any distribution pipeline within the meaning of the *Gas Supply Act 1996* and any associated equipment (such as a gas storage tank from which natural gas may be injected into any such pipeline).

gas supplier means any person who supplies natural gas to another person by means of a gas pipeline, or who undertakes to supply natural gas to another person by means of a gas pipeline, and includes the holder of a supplier's authorisation under the *Gas Supply Act 1996*.

gas user means a person (including another gas supplier) to whom a gas supplier supplies natural gas by means of a gas pipeline, and includes any other person who takes natural gas from a gas pipeline.

pipeline operator means the owner or operator of any gas pipeline.

[2] Clause 3 (2)

Insert at the end of clause 3:

- (2) Notes in this Regulation do not form part of this Regulation.

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Schedule 1 Amendments

[3] Clause 3A

Insert after clause 3:

3A Object of Regulation

The object of this Regulation is to minimise the adverse effects of the disruption in the supply of natural gas that has given rise to the proclamation under section 24 of the Act by virtue of which this Regulation is made.

[4] Part 2

Omit the Part. Insert instead:

Part 2 Directions

Note.

A person who complies with a direction under this Part has certain protections from civil liability under section 34 (3) of the Act.

5 Information concerning natural gas

- (1) The Minister may direct any person (including, without limitation, any gas supplier, gas user or pipeline operator) to furnish the Minister, or such other person as is specified in the direction, with such information concerning natural gas (including, without limitation, information with respect to the transmission, distribution, storage, supply, sale or use of natural gas) as the Minister requires for the purpose of achieving the object of this Regulation.
- (2) The existence of a duty towards some other person not to disclose any such information does not entitle a person to refuse to comply with a direction under this clause.

5A Transmission and distribution of natural gas

- (1) The Minister may direct any pipeline operator to take such measures, in relation to any gas pipeline owned or operated by the pipeline operator, as are necessary:
 - (a) to maintain the supply of natural gas to such gas facilities (including other gas pipelines) or classes of gas facilities as are specified in the direction, or

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Amendments

Schedule 1

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- (b) to maintain the integrity of the gas pipeline and all other gas pipelines to which the gas pipeline is (directly or indirectly) connected, or
 - (c) to disconnect or reduce the supply of natural gas from the gas pipeline to such gas facilities (including other gas pipelines) or classes of gas facilities as are specified in the direction.
- (2) A direction under this clause may, but need not, specify the measures to be taken.
 - (3) A direction under this clause with respect to the integrity of gas pipelines may make provision with respect to the quality and pressure of natural gas in those pipelines.
 - (4) If the Minister considers it necessary to do so in the circumstances, a provision referred to in subclause (3) with respect to the quality and pressure of natural gas in a gas pipeline may be inconsistent with the provisions of any law in that regard.

5B Supply arrangements for natural gas

- (1) The Minister may direct any gas supplier, or any gas user supplied with natural gas by a gas supplier, to take such measures, in relation to natural gas supplied by the gas supplier, as, in the Minister's opinion, are necessary or expedient to enable the object of this Regulation to be achieved.
- (2) A direction under this clause may, but need not, specify the measures to be taken.

5C Consumption of natural gas

The Minister may direct any gas user to reduce the amount of gas taken from a gas pipeline, or to cease taking gas from a gas pipeline, at such times or in such circumstances (or both) as are specified in the direction.

6 Participation in discussions concerning natural gas

The Minister may direct any person (including, without limitation, any gas supplier, gas user or pipeline operator) to participate in such discussions concerning natural gas:

- (a) convened by or on the order of the Minister, or

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(b) convened by or on the order of an authority of another
State or Territory,

as are specified in the direction (including, without limitation,
discussions with respect to the transmission, distribution,
storage, supply, sale or use of natural gas).

[5] Clause 10 Revocation and amendment of directions

Omit “given by the Minister” wherever occurring.