



Energy Administration (Natural Gas Rationing) Regulation (No 2) 2004

under the

Energy Administration Act 1987

Her Excellency the 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 make provisions in connection with the disruption of the supply and distribution of natural gas, which is the subject of a proclamation under section 24 of the *Energy Administration Act 1987*. The Regulation provides for the rationing of natural gas products and for the giving of directions to persons engaged in the natural gas industry. The Regulation expires 30 days after publication, unless sooner revoked.

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

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Energy Administration (Natural Gas Rationing) Regulation (No 2) 2004

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Energy Administration (Natural Gas Rationing) Regulation (No 2) 2004*.

2 Commencement

This Regulation commences on 1 February 2004.

3 Application

This Regulation applies in respect of the supply and distribution of natural gas, that is to say, a substance:

(a) which is in a gaseous state at standard temperature and pressure and which consists of naturally occurring hydrocarbons, or a naturally occurring mixture of hydrocarbons and non-hydrocarbons, the principal constituent of which is methane, and

(b) which has been processed to be suitable for consumption,

being the energy resources proclaimed by the Governor by proclamation published in the Gazette on 30 January 2004.

4 Definitions

In this Regulation:

Department means the Department of Energy, Utilities and Sustainability.

Director-General means the Director-General of the Department.

the Act means the *Energy Administration Act 1987*.

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Part 1 Preliminary

5 Crown bound

This Regulation binds the Crown.

Part 2 Directions

6 Directions to persons engaged in natural gas industry

- (1) This clause applies to:
 - (a) the owner or operator of any pipeline, pipeline network or other facility used for the distribution, storage, supply or sale of natural gas, and
 - (b) an agent of any such owner or operator, and
 - (c) an employee of any such owner or operator.
- (2) The Minister may direct a person to whom this clause applies:
 - (a) to take such steps as are specified in the direction to shut off the supply of natural gas to the whole or any part of the State or to any class of consumers, or
 - (b) to take such steps as are specified in the direction in order to make available the maximum possible amount of natural gas to meet the requirements of the community and, in particular, the requirements of essential services.
- (3) In particular, the Minister may direct a person to whom this clause applies:
 - (a) to take steps to shut off the supply of natural gas to any consumer other than a consumer who provides an essential service of the kind notified to the person by the Minister, or
 - (b) to take steps to maintain or restore gas pressure in natural gas pipelines and to remove air from those pipelines.

7 Directions to natural gas consumers

- (1) The Minister may direct any natural gas consumer or any class of natural gas consumers to observe such restrictions as are specified in the direction, being restrictions as to the purposes for which natural gas may be used and the days and hours on or during which those restrictions are to be in force.
- (2) The Minister may direct a supplier of natural gas to disconnect the supply of natural gas to a natural gas consumer who has used natural gas in contravention of a prohibition imposed under this Regulation.

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Part 3 Miscellaneous

Part 3 Miscellaneous

8 Delegation

The Minister may delegate to the Director-General any of the Minister's functions under this Regulation, other than this power of delegation.

9 How directions and notices may be given

- (1) A direction under this Regulation may be given:
 - (a) by publishing it in the Gazette, or
 - (b) by publishing it in a newspaper circulating throughout New South Wales or in the area in which it is to have effect, or
 - (c) by publishing it through a radio or television station which broadcasts in the area in which it is to have effect, or
 - (d) by giving it orally to, or by delivering a copy of it by hand to, or by sending a copy of it by post or facsimile transmission to, all the persons to whom it applies.
- (2) Subclause (1) does not affect the operation of section 25 (4) of the Act.

10 Directions may be addressed individually or to a class of persons

A direction which may be given to a person under this Regulation may be addressed to that person by name or to a class of persons to which that person belongs.

11 Revocation and amendment of directions

A direction given by the Minister under this Regulation may be revoked or amended by a subsequent direction given by the Minister.

12 Offence

Any person who:

- (a) contravenes or fails to comply with any provision of this Regulation, or

(b) refuses or fails to comply with a direction given under this Regulation,

is guilty of an offence against this Regulation.

13 Savings and transitional provision

Anything done under a provision of the *Energy Administration (Natural Gas Rationing) Regulation 2004* and in force immediately at the expiry of that Regulation that could have been done under a corresponding provision of this Regulation is taken to have been done under the corresponding provision and to have effect accordingly.

14 Expiry

This Regulation expires on the Proclamation referred to in clause 3 being revoked or ceasing to remain in force, whichever first occurs.