

Energy Administration (Natural Gas Rationing) Regulation 2004

[2004-3]



New South Wales

Status Information

Currency of version

Repealed version for 9 January 2004 to 9 December 2004 (accessed 26 November 2024 at 2:52)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**
The Regulation has expired. Under clause 12, the Regulation expired when the proclamation referred to in clause 2 ceased to remain in force. The proclamation referred to in clause 2 was published in Gazette No 3 of 2.1.2004, p 55 and continued in force for the period of 30 days from the date of its publication in the Gazette.
- **Repeal**
The Regulation was repealed by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91*, Sch 3 with effect from 10.12.2004.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 December 2004

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New South Wales

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Energy Administration (Natural Gas Rationing) Regulation 2004



New South Wales

Part 1 Preliminary

1 Name of Regulation

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

2 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 on 2nd January 2004.

Editorial note—

For the proclamation referred to in this clause, see Gazette No 3 of 2.1.2004, p 55.

3 Definitions

(1) In this Regulation:

Department means the Department of Energy, Utilities and Sustainability.

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

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.

the Act means the *Energy Administration Act 1987*.

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

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 Crown bound

This Regulation binds the Crown.

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
- (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
- (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).

Part 3 Miscellaneous

7 Delegation

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

8 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.

9 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.

10 Revocation and amendment of directions

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

11 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.

12 Expiry

This Regulation expires on the Proclamation referred to in clause 2 being revoked or ceasing to remain in force, whichever first occurs.