

# Pipeline Authority Act 1973

No. 42 of 1973

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# Pipeline Authority Act 1973

No. 42 of 1973

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## AN ACT

To establish a Pipeline Authority.

[Assented to 7 June 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

### PART I—PRELIMINARY

1. This Act may be cited as the *Pipeline Authority Act 1973*. Short title.
  2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
  3. (1) In this Act, unless the contrary intention appears—  
“approved bank” means a bank approved by the Treasurer;  
“associated equipment and structures”, in relation to a pipeline, includes—  
    - (a) apparatus for inducing or facilitating the flow or movement of petroleum through the pipeline;
    - (b) apparatus or structures for giving protection or support to the pipeline;
    - (c) apparatus for transmitting information or regulating the operation of the pipeline; and
    - (d) tank stations and valve stations connected to the pipeline;
- Interpretation.

- “Australian continental shelf” means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia;
- “Authority” means the Pipeline Authority established by this Act;
- “Chairman” means the Chairman of the Authority;
- “continental shelf of the Territory of Ashmore and Cartier Islands” means the continental shelf, within the meaning of the Convention, adjacent to the coast of that Territory;
- “Convention” means the Convention entitled “Convention on the Continental Shelf” signed at Geneva on 29th April, 1958;
- “Executive Member” means the Executive Member of the Authority, and includes a person acting as the Executive Member of the Authority;
- “member” means a member of the Authority, and includes a person acting as a member of the Authority;
- “part-time member” means a member of the Authority appointed to be a part-time member, and includes a person acting as a part-time member of the Authority;
- “petroleum” means—
- (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
  - (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state;
  - (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide;
  - (d) any hydrocarbon or mixture of hydrocarbons produced by the refining of a substance referred to in paragraph (a), (b) or (c); or
  - (e) any mixture of a hydrocarbon or hydrocarbons so produced with another substance or other substances;
- “petroleum pool” means a naturally occurring accumulation of petroleum;
- “pipeline” means a pipe or connected pipes for conveying petroleum, together with any associated equipment and structures;
- “tank station” means a tank or system of tanks for holding or storing petroleum and includes any structure associated with that tank or system of tanks;
- “Secretary” means the Secretary to the Department of Minerals and Energy;
- “Territory” means a Territory forming part of Australia;
- “valve station” means equipment for regulating the flow of petroleum and includes any structure associated with that equipment.

(2) Where a person is appointed to act in the place of the Secretary while the Secretary is absent or not available to perform the functions of his office or until the filling of a vacancy in the office of Secretary, references in this Act to the Secretary shall be read as references to the person so appointed.

(3) In this Act, unless the contrary intention appears—

- (a) a reference to a pipeline includes a reference to a part of a pipeline;
- (b) a reference to an Australian petroleum pool is a reference to a petroleum pool situated wholly or partly in—
  - (i) Australia or the Territory of Ashmore and Cartier Islands;
  - (ii) the Australian continental shelf;
  - (iii) the continental shelf of the Territory of Ashmore and Cartier Islands;
  - (iv) the sea-bed and subsoil of the submarine area extending from the coast of Australia to the Australian continental shelf; or
  - (v) the sea-bed and subsoil of the submarine area extending from the coast of the Territory of Ashmore and Cartier Islands to the continental shelf of the Territory of Ashmore and Cartier Islands.

4. The operation of this Act extends to the outer limits of the Australian continental shelf and the continental shelf of the Territory of Ashmore and Cartier Islands, and applies to all persons, including foreigners.

Application  
of Act.

## PART II—THE PIPELINE AUTHORITY

5. (1) For the purposes of this Act, there is hereby established an authority by the name of the Pipeline Authority.

Establish-  
ment of  
Authority.

(2) The Authority—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

(4) The Authority is not subject to any requirement, obligation, liability, penalty or disability under a law of a State or Territory to which the Commonwealth is not subject.

6. (1) The Authority shall consist of five members, namely—

- (a) the Chairman;
- (b) the Secretary to the Department of Minerals and Energy;

Membership  
of Authority.

- (c) the Executive Member; and
- (d) two other members.

(2) The members other than the Secretary shall be appointed by the Governor-General, the Chairman and the members referred to in paragraph (1) (d) being appointed as part-time members and the Executive Member being appointed as a full-time member.

(3) A member other than the Secretary shall be appointed for such period, not exceeding seven years, as the Governor-General specifies in the instrument of appointment, but is eligible for re-appointment.

(4) The performance of the functions or the exercise of the powers of the Authority is not affected by reason of there being a vacancy or vacancies in the membership of the Authority.

Remuneration and allowances.

7. (1) The Executive Member shall be paid remuneration at such rate, and an annual allowance at such rate (if any), as the Parliament fixes, but, until 1st January, 1974, the rate of that remuneration, and the rate (if any) of that allowance, shall be as prescribed.

(2) A part-time member shall be paid remuneration at such rate as the Parliament fixes, but, until 1st January, 1974, the rate of that remuneration shall be as prescribed.

(3) A part-time member shall be paid such allowances (not including an annual allowance) as are prescribed.

Leave of absence.

8. The Minister may grant leave of absence to a member other than the Secretary on such terms and conditions as to remuneration and otherwise as the Minister determines.

Termination of appointment.

9. (1) The Governor-General may terminate the appointment of the Executive Member or a part-time member for misbehaviour or physical or mental incapacity.

(2) If the Executive Member—

- (a) engages in paid employment outside the duties of his office;
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) is absent from duty, except on leave of absence granted by the Minister, for fourteen consecutive days or for twenty-eight days in any twelve months; or
- (d) in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons—

- (i) becomes concerned or interested in a contract entered into by or on behalf of the Authority; or

- (ii) participates or claims to participate in the profit of any such contract or in any benefit or emolument arising from any such contract,

the Governor-General shall, by notice published in the *Gazette*, declare that the office of Executive Member is vacant, and thereupon the office shall be deemed to be vacant.

(3) If a part-time member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Authority, from three consecutive meetings of the Authority; or
- (c) fails to comply with his obligations under sub-section (4),

the Governor-General shall, by notice published in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(4) A part-time member who is directly or indirectly interested in a contract made or proposed to be made by the Authority, otherwise than as a member, and in common with other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(5) A disclosure under sub-section (4) shall be recorded in the minutes of the Authority, and the part-time member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

10. A member may resign his office by writing under his hand delivered to the Minister. Resignation  
of member.

11. (1) Where the Executive Member is, or is expected to be, absent from duty or from Australia or there is a vacancy in the office of Executive Member, the Minister may appoint a person to be acting Executive Member during the absence or until the filling of the vacancy. Acting  
appoint-  
ments.

(2) An acting Executive Member appointed in the event of the office of Executive Member becoming vacant shall not continue in office after the expiration of twelve months after the occurrence of the vacancy.

(3) If a part-time member is at any time appointed acting Executive Member, his office shall, during the period of his appointment, be deemed, for the purpose of this section, to be vacant.

(4) Where the Chairman or another part-time member is, or is expected to be, unable (whether on account of illness or otherwise) to attend meetings of the Authority, or there is a vacancy in the office of Chairman or another part-time member, the Minister may appoint a person to be an acting member during that inability, or until the filling of the vacancy, and the person so appointed has all the powers and functions of a part-time member other than the Chairman.

(5) Where the Chairman is absent or unable to perform the functions of his office, or there is a vacancy in the office of Chairman, the Secretary shall act as Chairman during the absence or inability or until the filling of the vacancy, as the case may be, and, while so acting, has all the powers, functions and duties of the Chairman.

(6) The Minister may at any time terminate an appointment made by him under this section.

(7) The validity of a decision of the Authority shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

Meetings  
of  
Authority.

12. (1) The Authority shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman may at any time convene a meeting of the Authority.

(3) At a meeting of the Authority, three members constitute a quorum.

(4) The Chairman shall preside at all meetings of the Authority at which he is present.

(5) If the Chairman is not present at a meeting of the Authority, the Secretary shall, if present at the meeting, preside at the meeting.

(6) If neither the Chairman nor the Secretary is present at a meeting of the Authority, the members present shall elect one of their number to preside at the meeting.

(7) Questions arising at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting.

(8) At a meeting of the Authority, the person presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.

PART III—FUNCTIONS, DUTIES AND POWERS OF THE AUTHORITY

Functions  
of  
Authority.

13. (1) Subject to sub-section (2), the functions of the Authority are—

(a) to construct pipelines for the conveyance of petroleum recovered from Australian petroleum pools to centres of population and points of export with a view to the establishment of a national integrated system of such pipelines, and to maintain and operate those pipelines;



- (b) to convey, through the pipes operated by the Authority, petroleum belonging to the Authority or to other persons;
  - (c) to buy and sell petroleum, whether in Australia or elsewhere;
  - (d) to ensure continuity of supplies of natural gas, that is free from impurities;
  - (e) to ensure that natural gas supplied by the Authority is available at a gate-valve delivery price that is, at all times, uniform throughout Australia, after making due allowances for differences in the calorific values of natural gas obtained from different sources;
  - (f) to ensure that condensate, petroleum gas and other substances derived from natural gas are retained and processed in Australia in order that they may be available to augment supplies of motor spirit and similar fuels obtained from indigenous sources; and
  - (g) to secure, control and retain reserves of petroleum adequate to meet the long term needs of the Australian people,
- and the Authority shall carry on business for the purposes of performing those functions.

(2) The Authority may perform its functions to the extent that they are not in excess of the functions that may be conferred on the Authority by virtue of any of the legislative powers of the Commonwealth, including the power of the Parliament to make laws with respect to trading corporations formed within the limits of the Commonwealth and, in particular, may perform its functions—

- (a) in a Territory;
- (b) by way of, or so as to facilitate, trade and commerce with other countries, among the States, between territories or between a Territory and a State;
- (c) for the purpose of ensuring the availability, where a state of war, or danger of war, exists, of petroleum in each State and Territory for use for the purposes of the defence of Australia; or
- (d) in respect of matters incidental or related to the performance of its functions in accordance with paragraph (a), (b) or (c).

14. (1) It is the duty of the Authority—

- (a) to carry out all operations in connexion with the construction and maintenance of pipelines under this Act in a proper and workmanlike manner and in accordance with practices that are generally accepted as good and safe in the construction or maintenance, as the case requires, of pipelines and to secure the safety, health and welfare of persons engaged in operations connected with the construction or maintenance of any pipeline by the Authority;
- (b) to operate its pipelines in a proper and workmanlike manner and secure the safety, health and welfare of persons engaged in operations in connexion with the operation of its pipelines; and

Duties of  
Authority.

- (c) to consider, in connexion with the construction of a pipeline, factors connected with the ecology and the environment and, as far as practicable, to lay its pipes below the surface of the ground.

(2) In particular, and without limiting the generality of paragraph (1) (b), it is the duty of the Authority to prevent the waste or escape of petroleum or any other substance from its pipelines.

General  
powers  
of  
Authority.

15. The Authority has power to do, in Australia or elsewhere, all things necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions under this Act.

Particular  
powers of  
Authority.

16. Without limiting the generality of section 15, the Authority has power—

- (a) to purchase land;
- (b) to take land on lease;
- (c) to take easements over land;
- (d) to sell or otherwise dispose of land vested in the Authority but not required for the purposes of the Authority;
- (e) to lease land vested in the Authority, the use of which is not for the time being required by the Authority;
- (f) to release any easements over land;
- (g) to purchase or take on hire plant, machinery, equipment or other goods;
- (h) to dispose of plant, machinery, equipment or other goods owned by the Authority but not required by the Authority;
- (i) to provide transport, accommodation, provisions, medical treatment, hospital facilities and amenities for officers and employees of the Authority and their families;
- (j) to enter into an agreement with any person for or in relation to the conveyance, on such terms and conditions as the Authority deems fit, of petroleum belonging to that other person through its pipelines;
- (k) to enter into other agreements for the construction of pipelines or the performance of other work of the Authority;
- (l) to subscribe for or otherwise acquire, and to dispose of, shares in a company; and
- (m) to do anything incidental to any of its powers.

Power to  
enter land  
and take  
levels, &c.

17. (1) For the purposes of this Act, the Executive Member, an officer or employee of the Authority, or any other person authorized in writing by the Authority to do so—

- (a) may enter upon land (including land owned or occupied by the Crown in right of a State) for the purpose of inspecting the land; and

- (b) may, on land so entered—
  - (i) make surveys, take levels, sink bores, dig pits and examine the soil; and
  - (ii) do any other thing necessary for ascertaining the suitability of the land for the purposes of the Authority.

(2) A person who enters upon land by virtue of sub-section (1)—

- (a) shall, if it is practicable to do so, before entering upon the land, notify the occupier of the land that he will be so entering upon the land or, where such notification is impracticable, shall obtain a warrant from a Justice of the Peace authorizing him to enter upon the land, being a warrant granted after the Justice has been satisfied, by information on oath, that it is impracticable so to notify the occupier of the land within a reasonable time; and
- (b) shall, upon demand by the occupier of the land, produce to the occupier an instrument issued by the Authority certifying that he is authorized to enter upon land by virtue of sub-section (1).

18. (1) The Authority, or any person authorized in writing by the Authority so to do, may, for the purposes of this Act—

Power to enter and occupy land.

- (a) after giving not less than thirty days' notice in writing to the occupier of land (including land owned or occupied by the Crown in right of a State), enter upon and occupy the land;
- (b) on and over land so occupied—
  - (i) construct, build or place any plant, machinery, equipment or goods;
  - (ii) take sand, clay, stone, earth, gravel, timber, wood or other materials or things;
  - (iii) make cuttings or excavations;
  - (iv) deposit sand, clay, stone, earth, gravel, timber, wood or other materials or things;
  - (v) erect workshops, sheds and other buildings;
  - (vi) make roads; and
  - (vii) manufacture and work materials of any kind; and
- (c) demolish, destroy or remove on or from land so occupied, any plant, machinery, equipment, goods, workshop, shed, building or road.

(2) The Authority shall construct a pipeline only on or under land owned by the Authority or in respect of which there is vested in the Authority the right to construct a pipeline.

#### PART IV—STAFF

19. (1) Subject to this section, the Authority may appoint such officers and engage such employees as it thinks necessary for the purposes of this Act.

Staff of Authority.

(2) The terms and conditions of employment of persons appointed or engaged under sub-section (1) shall be as determined by the Authority.

Public  
Service  
Arbitration  
Act not to  
apply.

20. The *Public Service Arbitration Act* 1920–1972 does not apply in relation to the employment of officers or employees of the Authority.

Preservation  
of certain  
awards.

21. Nothing in this Act prevents the making of an industrial award, order, determination or agreement under any Act (other than the *Public Service Arbitration Act* 1920–1972) in relation to officers or employees of the Authority or affects the operation of any such award, order, determination or agreement in relation to those officers or employees.

Power of  
Authority  
to provide  
benefits for  
officers and  
employees.

22. Subject to section 7, the Authority may pay any allowances, and pay or provide any other benefits (whether of a pecuniary nature or otherwise, including benefits by way of financial or other assistance in connexion with housing, transport, insurance or superannuation) for the Executive Member, or for an officer or employee of the Authority, that in the opinion of the Authority are necessary or desirable to assist the Executive Member, officer or employee in, or place him in a position that will facilitate, the performance of his duties or reimburse him for any loss or expenditure incurred by him by reason of, or in the course of, the performance of his duties or that in the opinion of the Authority, having regard to the interests of the Authority, are necessary or desirable for any other reason.

Superannua-  
tion.

23. (1) The Authority is an approved authority for the purposes of the *Superannuation Act* 1922–1971.

(2) For the purposes of that Act, the Executive Member shall be taken to be a person who is required to give the whole of his time to the duties of his office.

Officers' Rights  
Declaration  
Act.

24. Where the Executive Member or an officer or employee of the Authority was, immediately before his appointment or engagement, an officer of the Public Service of the Commonwealth (including an unattached officer)—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act* 1928–1969 applies as if this Act and this section had been specified in the Schedule to that Act.

#### PART V—FINANCE

Borrowing  
by  
Authority.

25. (1) The Authority may, with the approval of the Treasurer—

- (a) borrow moneys from an approved bank, the Australian Industry Development Corporation or any other lender for the purpose of working capital of the Authority in connexion with the performance of its functions under this Act; and
- (b) give security over any of its assets for the purpose of a borrowing referred to in paragraph (a).

(2) The Treasurer may, out of moneys appropriated by the Parliament for the purposes of this Act, make advances to the Authority of such amounts and on such terms as the Treasurer determines.

(3) The Authority shall not borrow otherwise than in accordance with this section.

(4) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment of amounts borrowed in accordance with sub-section (1) and the payment of interest on amounts so borrowed.

26. (1) The Authority may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts.

(2) The Authority shall pay all moneys of the Authority, including moneys borrowed by the Authority, into an account referred to in this section.

27. (1) The moneys of the Authority may be applied by the Authority— Application of moneys.

(a) in payment or discharge of the costs, expenses and other obligations of the Authority under this Act;

(b) in payment of remuneration and allowances payable to any person under this Act; and

(c) in repayment of advances made to the Authority by the Treasurer under this Act in accordance with the terms upon which those advances were made,

but not otherwise.

(2) Moneys of the Authority not immediately required for the purposes of the Authority may be invested—

(a) on fixed deposit with an approved bank;

(b) in securities of the Commonwealth; or

(c) in any other manner approved by the Treasurer.

28. The Authority shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable to revenue. Financial policy.

29. The Authority shall not, except with the approval of the Minister, enter into any contract involving the payment or receipt of an amount exceeding Five hundred thousand dollars. Certain contracts require Minister's approval.

30. (1) For the purposes of this Act, the profits of the Authority for a financial year are the amount, if any, remaining after deducting from the revenue received or receivable in respect of that financial year the expenditure, and provision for expenditure, properly chargeable against that revenue. Profits of the Authority.

(2) The profits of the Authority for a financial year shall be applied in such manner as the Minister, with the concurrence of the Treasurer, determines.

(3) In making a determination under sub-section (2), regard shall be had to any advice which the Authority has furnished to the Minister in relation to the financial affairs of the Authority.

Proper  
accounts  
to be kept.

31. The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by the Authority.

Audit.

32. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Authority and records relating to assets of, or in the custody of, the Authority and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his doing so.

(2) The Auditor-General may, in his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Authority relating directly or indirectly to the receipt or payment of moneys by the Authority or to the acquisition, receipt, custody or disposal of assets by the Authority.

(5) The Auditor-General or an officer authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or an officer authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized officer considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

Liability to  
taxation.

33. (1) The Authority is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Authority is not subject to taxation under a law of a State or of a Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law of a State or Territory.

## PART VI—MISCELLANEOUS

## 34. The Authority shall—

- (a) from time to time inform the Minister concerning the general conduct of its operations; and
- (b) furnish to the Minister such information relating to those operations as the Minister requires.

Reports to Minister.

35. (1) In the exercise of its powers under this Act, the Authority shall cause as little detriment and inconvenience and do as little damage as possible.

Authority to do as little damage as possible.

(2) Where the owner of land is injuriously affected by the exercise, in relation to that land, of any of the powers conferred by this Act, compensation shall be paid by the Authority.

(3) Where any land is entered or occupied in pursuance of this Act, the Authority is liable to pay compensation to the owner or occupier of the land, or both, as the case requires, and the compensation so payable shall include compensation in respect of—

- (a) damage of a temporary character as well as of a permanent character; and
- (b) the taking of sand, clay, stone, earth, gravel, timber, wood, materials or things by the Authority.

(4) Nothing in this section shall be construed as excluding or limiting any liability of the Authority apart from this section in respect of a matter in relation to which compensation is not payable under this section.

(5) The provisions of section 19 of the *Lands Acquisition Act* 1955–1966 apply in relation to the determination of compensation payable by the Authority under this Act in like manner as they apply in relation to the determination of compensation payable under that section, except that the references in that section to the Minister and to the Commonwealth shall be read as references to the Authority.

36. The Authority may arrange with a Minister of State or an Authority of the Commonwealth or of a State for the performance by the State or that Authority of any work on behalf of the Authority.

Arrangements with States.

37. (1) For the purpose of the *Lands Acquisition Act* 1955–1966, the acquisition of land for the purposes of the Authority under this Act shall be deemed to be the acquisition of land for a public purpose.

Acquisition of land.

(2) In the application of the *Lands Acquisition Act* 1955–1966 in relation to the acquisition of land for the purposes of the Authority under this Act, a reference in that Act to an interest in relation to land shall be read as including a reference to an easement in favour of the Authority without a dominant tenement, being an easement that confers on the Authority rights in, under, on, over, across or through the land for the purposes of the construction, maintenance and operation of a pipeline under this Act or for any purpose incidental to any of those purposes.

(3) An instrument by virtue of which an interest in land is acquired by the Authority, whether by agreement or by compulsory process, shall not be taken to create an easement in favour of the Authority of a kind referred to in sub-section (2) unless it is expressed to create an easement in favour of, or to transfer an easement to, the Authority.

Marking of  
route of  
pipeline.

38. The Authority shall mark, and keep marked, as provided in the regulations, the route of any pipeline constructed by it.

Pipeline  
licence not  
required.

39. Division 4 of Part III of the *Petroleum (Submerged Lands) Act* 1967-1973 does not apply—

- (a) to or in relation to the construction, maintenance or operation of a pipeline in an adjacent area within the meaning of that Act by the Authority under this Act; or
- (b) in relation to a pipeline that the Authority proposes to construct in such an adjacent area.

Works not  
to be  
injuriously  
affected.

40. (1) Except as prescribed, a person shall not carry out any work whereby any works, or proposed works, of the Authority, or the use, or proposed use, of the works of the Authority, is or may be injuriously affected or interfered with.

(2) This section does not prejudice any civil remedy available to the Authority.

(3) Nothing in this section shall be deemed to prevent or affect the operation of a provision in a law of a State prohibiting any acts which are also prohibited by this section.

(4) In this section, a reference to works of the Authority includes a reference to a pipeline of the Authority.

Theft of  
substances  
from  
pipeline.

41. A person shall not maliciously or fraudulently—

- (a) abstract from a pipeline of the Authority any petroleum or other substance that is being conveyed through the pipeline; or
- (b) cause any petroleum or other substance that is being conveyed through a pipeline of the Authority to be wasted or diverted or use or consume any such petroleum or substance.

Damaging  
pipelines, &c.

42. A person shall not unlawfully damage, or interfere with the operation of, a pipeline of the Authority.

Penalties.

43. (1) A person who contravenes or fails to comply with a provision of section 40, 41 or 42 is guilty of an offence against that section.

(2) An offence against section 40, 41 or 42 may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.



(3) An offence against section 40 is punishable—

- (a) upon summary conviction—by a fine not exceeding Two hundred dollars or imprisonment for six months, or both; or
- (b) upon conviction on indictment—by a fine not exceeding Two thousand dollars or imprisonment for a term not exceeding two years, or both.

(4) An offence against section 41 or 42 is punishable—

- (a) upon summary conviction—by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding one year, or both; or
- (b) upon conviction on indictment—by imprisonment for a period not exceeding five years.

(5) Where proceedings for an offence against section 40, 41 or 42 are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings.

44. (1) Subject to this section—

Jurisdiction  
of courts.

- (a) the several courts of the States are invested with Federal jurisdiction; and
- (b) jurisdiction is conferred on the several courts of the Territories, with respect to offences against this Act or the regulations that are committed outside Australia and the Territory of Ashmore and Cartier Islands.

(2) The jurisdiction invested in or conferred on courts by subsection (1) is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions.

(3) The trial on indictment of an offence against this Act not committed within a State may be held in any State or Territory.

(4) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

- (a) their summary conviction;
- (b) their examination and commitment for trial on indictment;
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act or the regulations that was committed outside Australia and the Territories.

(5) Except as provided by this Act, the *Judiciary Act* 1903–1969 applies in relation to offences against this Act or the regulations.

**Annual  
report.**

45. (1) The Authority shall, as soon as practicable after each 30th June, prepare and furnish to the Minister, for presentation to the Parliament, a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2) Before furnishing the financial statements to the Minister, the Authority shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial transactions and the state of affairs of the Authority;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Authority during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

**Regulations.**

46. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular—

- (a) making provision for and in relation to the closing of any pipes forming part of the pipelines of the Authority;
  - (b) making provision for and in relation to the depositing with the prescribed authority of a State or Territory, for public information, of plans showing—
    - (i) the route of any pipe or system of pipes that the Authority proposes to construct in the State or Territory; and
    - (ii) the site of any associated equipment and structures that the Authority proposes to construct in the State or Territory in relation to such a pipe or system of pipes;
  - (c) prescribing matters for or in relation to the inspection and testing of the pipelines of the Authority; and
  - (d) prescribing penalties, not exceeding a fine of Two hundred dollars or imprisonment for a period not exceeding six months, or both, for offences against the regulations.
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