



Gas Pipelines Act 2000

Notice of Renewal

Gas Pipeline (Construction) Licence

issued to:

BOC Limited

ABN 95 000 029 729

August 2010

Background

Pursuant to the *Gas Pipelines Act 2000* (the Act), the Regulator is responsible for administering the licensing system for gas entities.

The Regulator has the authority to consider and determine licence applications, and can refuse or issue licences to construct or operate a transmission pipeline system or pipeline facility.

BOC Limited is the holder of a Pipeline (Construction) Licence which was due to expire on 27 August 2010 but has been extended, by the operation of the Act upon lodgement of a renewal application, until a determination is made by the Regulator. OTTER received a written request from BOC Limited on 23 July 2010 applying for renewal of its Pipeline (Construction) Licence.

Consideration of renewal of Licence

Under the Act, the Regulator may only issue a gas pipeline licence if satisfied that the applicant can meet the requirements of the Act.

Section 12(2) of the Act provides that:

“The Regulator may grant a pipeline licence only if he or she is satisfied that –

- (a) the applicant has adequate technical and financial resources to undertake the proposed activities; and
- (b) the applicant is a body corporate (or a partnership of 2 or more bodies corporate); and
- (c) a permit or other authority for the construction of the pipeline or pipeline facility has been granted under any other relevant law; and
- (d) the applicant can demonstrate compliance with, or an intention to comply with, the requirements of this Act.”

For the construction or operation of a pipeline facility, section 12(4) provides a further pre-condition for granting a pipeline licence:

“The Regulator must not grant a pipeline licence unless the Director of Gas Safety has provided a certificate that, in his or her opinion, the pipeline or pipeline facility has, or will have, the necessary ability to convey or process gas, petroleum or another regulated substance safely.”

In considering whether to renew a gas pipeline licence, the Regulator takes into account the same considerations. From the information provided by BOC Limited for its initial application and over the course of the licence term, the Regulator is satisfied that BOC Limited still meets the requirements of the Act.

For a renewal application, the Regulator must also advertise receipt of the application in the Government Gazette and three newspapers circulating generally in Tasmania at least 30 days prior to making a determination on the application. This occurred on Tuesday, 27 July 2010.

Decision of the Regulator

After considering BOC Limited's application and supporting information, the Regulator is satisfied that the renewal of the pipeline construction licence held by BOC Limited is consistent with the Act.

The Regulator decides to reissue the gas pipeline construction licence to BOC Limited effective on 27 August 2010 for a period of six months.

The Regulator reissues the licence accepting that BOC Limited has made full and diligent inquiry to ensure that the information supplied by it is true and correct. The Regulator has relied in good faith on the representations made by the applicant in support of the application.

A copy of the licence is available on the website at www.economicregulator.tas.gov.au.

.....
Glenn Appleyard

CHAIRMAN
TASMANIAN ECONOMIC REGULATOR

27 August 2010