

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Innovation and Science Portfolio
2017 - 2018 Budget Estimates
31 May – 1 June 2017

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION AND SCIENCE

TOPIC: Sharing of infrastructure under part IIIA

REFERENCE: Questions on Notice (Hansard, 1 June 2017, page 110-111)

QUESTION No.: BI-59

Mr Waters: What I am getting to hear is that it may well be that at that point the joint authority could determine, based on the evidence or the information in the third party, that the field, in fact, is now commercial. That would be one of the grounds for the joint authority to make the decision to revoke the retention lease, or at least not renew it when its turn comes up, and the titleholder then has the option of putting in a production licence application. I am happy to take those on notice, because there is a bit more to it. There is a bit more detail.

Senator Canavan: I think there is a bit of difficulty here. There are a lot of hypotheticals, and, of course, Mr Waters, as he indicated, provides advice and ultimately the joint authority makes decisions.

Senator XENOPHON: Yes, but you could give me more details. You have been very helpful, Mr Waters. I have a few more questions, but that has been very helpful in terms of this. Do you include considerations in respect of infrastructure and, in particular, sharing or not sharing of infrastructure?

Mr Waters: Yes.

Senator XENOPHON: You do?

Mr Waters: I am sorry, that is just the first part.

Senator XENOPHON: Do you consider considerations in terms of making a decision with respect to infrastructure—in other words, the practicalities of sharing or not sharing infrastructure?

Mr Waters: If that formed part of the submission that was made, then, yes, we would assess that with regard to whether or not that is in fact a likely, feasible, practical outcome, and we would advise the joint authority.

Senator XENOPHON: And sharing of infrastructure can be forced, can't it, under part IIIA, is it, of the—someone can help me out here.

Senator Canavan: Part IIIA of the Competition and Consumer Act is administered by the Treasury department.

Senator XENOPHON: Is that not administered by ACCC?

Senator Canavan: The ACCC is part of the Treasury department, if you wanted to ask questions on that. It is a generic access regime. Mr Waters might know if any particular infrastructure is already declared under that.

Senator XENOPHON: Could you take the question?

Mr Waters: No, I am not aware of that.

Senator Canavan: You are not aware of any.

Senator XENOPHON: Could you take that on notice.

ANSWER

The National Access Regime under Part IIIA of the Competition and Consumer Act 2010 is a generic access regime that provides mechanisms for access to infrastructure services.

In the gas sector, the National Gas Laws (NGL) set up a specific access regime dealing with access to gas 'pipelines' as defined in the NGL.

There is no Commonwealth legislation that provides a specific access regime for LNG facilities. A list of past applications to the National Competition Council can be found here http://ncc.gov.au/applications-past/past_applications.