

# Pipelines Regulation 2023

[2023-450]



New South Wales

## Status Information

### Currency of version

Current version for 2 August 2024 to date (accessed 21 December 2024 at 21:39)

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—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2028

### 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 2 August 2024

# Pipelines Regulation 2023



New South Wales

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# Pipelines Regulation 2023



New South Wales

## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Pipelines Regulation 2023*.

### 2 Commencement

This regulation commences on 1 September 2023.

#### Note—

This regulation replaces the *Pipelines Regulation 2013*, which is repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Interpretation

(1) In this regulation—

**AS 2885** means AS/NZS 2885, *Pipelines—Gas and liquid petroleum*, published by Standards Australia as in force from time to time.

**auditor**, for a pipeline management system, means the person appointed under section 12 for the system.

**cyber security direction**—see section 38A(1),

**examiner**—see section 43C(1).

**financial year** means a year ending on 30 June.

**hazardous event** means an event that causes, or has the potential to cause, one or more of the following—

- (a) physical injury to a person,
- (b) damage to the health of a person,
- (c) damage to property or the environment.

**licensee for a pipeline** means the licensee for a pipeline operated under the licence.

**person in charge** of a pipeline—means the person appointed under section 24 for the pipeline.

**pipeline management plan** means written plans, policies and procedures that—

- (a) relate to a pipeline, and
- (b) describe, and form part of, the pipeline management system for the pipeline.

**pipeline management system** has the same meaning as in AS 2885.

**pipeline signs**—see section 40(1)(b).

**the Act** means the [Pipelines Act 1967](#).

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this regulation.

- (2) In this regulation, a reference to a form is a reference to a form set out in Schedule 1.

## **Part 2 Applications—authorities and licences**

### **4 Applications for authorities to survey—the Act, s 5E(2)**

- (1) An application for an authority to survey must be made by—
  - (a) addressing the application to the Secretary, and
  - (b) lodging the application at an office of the Department.
- (2) The land to which an application relates must be specified in a schedule to the application that—
  - (a) lists the parcels of the land in a continuous geographical sequence, and
  - (b) identifies each parcel of the land by—
    - (i) the parish, county and local government area in which the land is situated, and
    - (ii) the folio identifier for the land, if any, in the Register kept under the [Real Property Act 1900](#), and
  - (c) identifies any part of the land that is—
    - (i) reserved or dedicated under the [Crown Land Management Act 2016](#), or
    - (ii) subject to an authority or mineral claim under the [Mining Act 1992](#).
- (3) An application must be accompanied by maps that clearly show—

- (a) the land to which the application relates and the boundaries of each parcel of the land, and
- (b) the approximate route of the pipeline, and
- (c) the approximate location of proposed apparatus or works.

(4) The maps must be—

(a) cadastral maps published by—

(i) Geoscience Australia, or

(ii) a New South Wales or Commonwealth government department or agency, or

(b) if the cadastral maps are not available—a topographic map, or aerial photograph, of a standard approved by the Secretary.

#### **5 Applications for licences—the Act, s 13(1)(b)**

An application for a licence must be made by—

(a) addressing the application to the Secretary, and

(b) lodging the application at an office of the Department.

#### **6 Plans to accompany applications for licences and variations—the Act, ss 13, 13A and 18**

(1) A relevant plan must be prepared—

(a) in accordance with regulations made under the [Conveyancing Act 1919](#), and

(b) as if it were a deposited plan to be lodged by hand for registration in the office of the Registrar-General.

(2) If easements are intended to be acquired—

(a) the easements must be identified on the relevant plan, and

(b) the easements must also be identified on the panel on the plan sheet for the relevant plan by reference to the way in which the easements are identified on the relevant plan, and

(c) a statement, in Form 1, must be included on the panel.

(3) A relevant plan must be accompanied by an instrument—

(a) in Form 2, and

(b) that complies with the requirements of Schedule 2.

(4) In this section—

**relevant plan** means a plan referred to in the following provisions of the Act—

- (a) section 13(1)(d),
- (b) section 13A(4)(a), (5)(a) or (6),
- (c) section 18(4)(a), (5)(a) or (6).

**7 Transport for NSW must be served with notifications and instruments—the Act, ss 13, 13A, 13B and 18**

- (1) For the Act, section 13(4), a copy of the notification must be served on Transport for NSW no later than 7 days after the day on which the application for the licence is made.
- (2) For the Act, section 13A(8), a copy of the notification must be served on Transport for NSW no later than 7 days after the day on which the application for the variation is made.
- (3) For the Act, section 13B(3), a copy of the instrument must be served on Transport for NSW no later than 7 days after the day on which the instrument is served on the Minister.
- (4) For the Act section 18(8), a copy of the notification must be served on Transport for NSW.

## **Part 3 Pipelines**

### **Division 1 Preliminary**

**8 Application of part to water supply, drainage or waste, or mine water pipeline**

Divisions 2-5 do not apply to a pipeline if the pipeline—

- (a) is a pipeline referred to in the Act, section 5(1)(d), and
- (b) is authorised by a licence.

### **Division 2 Application of standards—the Act, s 69(1)(a)**

**9 Design, construction, operation and maintenance pipeline**

- (1) The licensee for a pipeline must ensure the following are in accordance with the relevant provisions of the appropriate standard—
  - (a) the design of the pipeline,
  - (b) the construction of the pipeline,
  - (c) the operation of the pipeline,



(d) maintenance carried out on the pipeline.

Maximum penalty—10 penalty units.

(2) In this section—

**appropriate standard** means—

(a) for pipelines for high-pressure gas and liquid petroleum—AS 2885, or

(b) otherwise—

(i) AS 2885, or

(ii) a standard approved for the licensee by the Secretary under section 10.

### **10 Approval of standard by Secretary**

(1) The Secretary may approve a standard for the purposes of section 9 for a licensee.

(2) The approval may be given on the application of the licensee.

(3) The Secretary may revoke an approval if the Secretary—

(a) has given the licensee written notice about the proposed revocation, and

(b) has specified a reasonably period for the licensee to make submissions about the proposed revocation, and

(c) has considered any submission made during the period.

(4) An approval or revocation takes effect—

(a) when written notice of the approval or revocation is given to the licensee, or

(b) if a later day is specified in the written notice—on the day specified.

## **Division 3 Pipeline management system**

### **11 Licensee must implement pipeline management system**

The licensee for a pipeline must—

(a) implement a pipeline management system for the pipeline, and

(b) ensure the pipeline management system is in accordance with the relevant provisions of AS 2885.

Maximum penalty—10 penalty units.

## **12 Auditor for pipeline management system**

- (1) The licensee for a pipeline must ensure a person is appointed as an auditor for the pipeline management system for the pipeline.
- (2) A person may be appointed as an auditor if the person is—
  - (a) independent of the licensee, and
  - (b) competent to exercise the functions of an auditor of the pipeline management system.
- (3) The appointment commences 1 month after a licensee gives written notice of the appointment to the Secretary unless the Secretary rejects the appointment.
- (4) The Secretary may reject an appointment by giving written notice of the rejection to the licensee.
- (5) It is the function of the auditor for the pipeline management system—
  - (a) to conduct regular audits of the system, and
  - (b) to prepare reports on the audits in accordance with this division.
- (6) The Secretary may terminate an auditor's appointment at any time by giving written notice of the termination to the licensee.

## **13 Reports on audits of pipeline management system**

- (1) The licensee for a pipeline must, at the times required by section 14, give the Secretary a report from the auditor for the pipeline management system for the pipeline in which the auditor certifies that—
  - (a) the auditor has audited the pipeline management system, and
  - (b) all measures continue to be in place under the pipeline management system to—
    - (i) prevent hazardous events from occurring, and
    - (ii) protect persons, plant, equipment and the environment should hazardous events occur, and
  - (c) properly trained and equipped persons are available to continue implementing the pipeline management system, and
  - (d) for the initial report—the pipeline management system is in accordance with the relevant provisions of AS 2885, and
  - (e) for reports other than the initial report—the pipeline management system is adequate and appropriate having regard to any relevant changes made since the

previous report was given to the Secretary under this section.

Maximum penalty—10 penalty units.

(2) In this section—

**relevant change**, for a pipeline management system for a pipeline, means a change—

(a) to one or more of the following—

- (i) the pipeline, including its apparatus or works,
- (ii) the pipeline's method of operation,
- (iii) the pipeline's operating, control or monitoring systems, and

(b) that may impact on the integrity or reliability of the pipeline.

#### **14 When reports must be given to Secretary**

(1) A report under section 13 must be given to the Secretary—

(a) for the initial report—when the pipeline management plan is given to the Secretary under section 15, or

(b) otherwise—

- (i) within 28 days after each anniversary of the grant of the licence, or
- (ii) if the Secretary has, by written order, approved the licensee providing the reports less frequently—at the times approved by the Secretary.

(2) The Secretary may permit a licensee to give a report at a later time if—

(a) the licensee requests an extension of time because the auditor is unable to certify a matter referred to in section 13, and

(b) the licensee gives the Secretary a report from the auditor that specifies—

- (i) that an audit has been carried out, and
- (ii) the matter that the auditor is unable to certify and the reason why, and
- (iii) the measures that the licensee proposes to take to enable the auditor to be able to certify the matter, and
- (iv) the time within which the licensee has undertaken to implement the measures.

(3) The Secretary may grant an extension of time by giving written notice to the licensee specifying the new time at which the report must be given.

## **Division 4 Pipeline management plans**

### **15 Licensees to give pipeline management plan to Secretary**

The licensee for a pipeline must give the Secretary a pipeline management plan for the pipeline no later than 6 months after the commencement of operation of the pipeline.

Maximum penalty—10 penalty units.

### **16 Licensee to implement pipeline management plan**

(1) The licensee for a pipeline must implement a pipeline management plan for the pipeline if the plan has been given to the Secretary.

Maximum penalty—10 penalty units.

(2) It is a condition of a licence that the licensee must comply with a pipeline management plan given to the Secretary, as amended in accordance with this division.

### **17 Secretary may direct amendment of pipeline management plan**

(1) The Secretary may direct a licensee for a pipeline to amend the pipeline management plan for the pipeline.

(2) For a pipeline management plan, the Secretary may give the direction if the Secretary is of the opinion that implementation of the plan or the pipeline management system for the pipeline—

(a) has resulted in a hazardous event, or

(b) may result in a hazardous event.

(3) Subsection (2) does not limit the grounds on which the Secretary may give a direction.

(4) The direction—

(a) must be given by written order, and

(b) must specify—

(i) the way in which the pipeline management plan must be amended, and

(ii) the time within which the plan must be amended.

(5) The licensee must—

(a) comply with the direction, and

(b) give the Secretary a copy of the amended pipeline management plan within 14 days after the plan is amended.

Maximum penalty for subsection (5)—10 penalty units.

**18 Pipeline management plan may be amended on licensee's initiative**

- (1) A licensee for a pipeline may amend a pipeline management plan for the pipeline by giving the amended plan to the Secretary.
- (2) The licensee must ensure the amended plan is accompanied by—
  - (a) a report by the licensee specifying the amendments made and the effect of the amendments, and
  - (b) a certificate—
    - (i) specifying that the amendments do not cause the pipeline management system for the pipeline to fail to be in accordance with the relevant provisions of AS 2885, and
    - (ii) issued by the auditor for the pipeline management system.

Maximum penalty for subsection (2)—10 penalty units.

**19 Secretary may direct compliance with pipeline management plan**

- (1) The Secretary may direct a licensee for a pipeline to take action—
  - (a) to comply with requirements of a pipeline management plan for the pipeline, or
  - (b) to follow procedures set out or referred to in the plan.
- (2) The Secretary may give the direction if the Secretary is of the opinion the licensee—
  - (a) is not complying with the requirements, or
  - (b) is not following the procedures.
- (3) The direction—
  - (a) must be given by written order, and
  - (b) must specify—
    - (i) the action to be taken, and
    - (ii) the time within which the action must be taken.
- (4) The licensee must comply with the direction.

Maximum penalty—10 penalty units.

- (5) In this section—

**requirements** of a pipeline management plan includes the requirements of codes, standards or specifications set out or referred to in the plan.

## **20 Availability of pipeline management plan**

A licensee for a pipeline—

- (a) must keep the pipeline management plans for the pipeline at the principal office of the licensee, and
- (b) must make copies of the plans available to—
  - (i) persons involved in the implementation of the plan, and
  - (ii) the Secretary.

Maximum penalty—10 penalty units.

## **Division 5 Alterations to pipelines**

### **21 Alteration of pipeline other than in an emergency**

- (1) A licensee for a pipeline must not carry out work resulting in the permanent alteration of the pipeline unless—
  - (a) the licensee has given the Secretary written notice of the proposed work that includes—
    - (i) a detailed description of the proposed work, and
    - (ii) if relevant, a schematic design of the proposed work, and
  - (b) if the Secretary requests additional information about the proposed work—the licensee has given the Secretary the additional information.

Maximum penalty—10 penalty units.

- (2) This section does not—
  - (a) apply to the alteration of a pipeline in an emergency, or
  - (b) authorise an alteration that results in a contravention of a licence.

### **22 Alteration of pipeline in emergency**

A licensee for a pipeline must—

- (a) give written notice to the Secretary about work carried out in an emergency that results in the permanent alteration of the pipeline, and
- (b) give the notice as soon practicable after the work is completed.

Maximum penalty—10 penalty units.

**Note—**

See the Act, section 11(3) for additional requirements that may apply if an alteration is made in an emergency.

**23 Report about alteration of pipeline**

A licensee for a pipeline that has been permanently altered as a result of the carrying out of work—

- (a) must give a written report about the work to the Secretary within 14 days after the work is completed, and
- (b) must ensure the report includes—
  - (i) a statement that the work has been completed, and
  - (ii) a reference to the relevant standard, or condition of the licence, in accordance with which the work was carried out.

Maximum penalty—10 penalty units.

**Division 6 Other**

**24 Person in charge**

- (1) The licensee for a pipeline must, before commencing the construction, maintenance or operation of the pipeline—
  - (a) appoint a person who is authorised by the licensee to be the person in charge of the pipeline on behalf of the licensee, and
  - (b) give written notice to the Secretary about the appointment, which includes—
    - (i) the name and address of the person, and
    - (ii) an acknowledgment by the person of the appointment.

Maximum penalty—10 penalty units.

- (2) The licensee for the pipeline must, within 7 days after a person ceases to be appointed under subsection (1)—
  - (a) appoint another person, and
  - (b) give written notice to the Secretary about the appointment, which includes—
    - (i) the name and address of the person, and
    - (ii) an acknowledgment by the person of the appointment.

Maximum penalty—5 penalty units.

(3) In this section—

***in charge of a pipeline*** means to have the authority to construct, maintain and operate the pipeline.

## **25 Disturbance of lands**

(1) A licensee must ensure the existing use of land is not disturbed more than is necessary by activities authorised by the licence.

Maximum penalty—10 penalty units.

(2) A licensee must ensure, as far as practicable, that the surface of land affected by activities authorised by the licence is restored to the condition it was in immediately before the commencement of the activities.

Maximum penalty—10 penalty units.

## **26 Public roads**

A licensee must ensure the carrying out of activities authorised by the license does not interfere with the use of a public road unless the interference is approved by the public or local authority responsible for the road.

Maximum penalty—10 penalty units.

### **26A Maintenance of pipeline—the Act, Sch 2, cl 1**

A licensee for a pipeline must maintain the pipeline in good condition and repair.

Maximum penalty—

(a) for a corporation—2,000 penalty units, or

(b) for an individual—400 penalty units.

### **26B Removal of property in connection with pipeline—the Act, Sch 2, cl 1**

(1) A licensee for a pipeline must remove from the licence area all property not used, or not to be used, in connection with the operation of the pipeline.

Maximum penalty—

(a) for a corporation—2,000 penalty units, or

(b) for an individual—400 penalty units.

(2) In this section—

***property*** includes structures and equipment.



## **26C Removal of property by licensee or former licensee—the Act, Sch 2, cl 13**

- (1) The Minister may, by written order served on a licensee, direct the licensee to do the following—
  - (a) remove, or cause to be removed, from the licence area, or a relinquished area, licence operations property,
  - (b) make arrangements, satisfactory to the Minister, to remove or dispose of the licence operations property,
  - (c) make good, to the satisfaction of the Minister, damage to the licence area or relinquished area caused by the removal of the licence operations property,
  - (d) make good, to the satisfaction of the Minister, damage to the licence area or relinquished area caused by a person engaged or involved in the operations or by the removal of the property, other than in the manner specified in the direction.
- (2) The direction may specify—
  - (a) the licence operations property to be removed, and
  - (b) the way in which the property must be removed.
- (3) A person must comply with a direction—
  - (a) in relation to a relinquished area—by the time specified in the direction, or
  - (b) in relation to a licence area—on or before the expiration of the licence.

Maximum penalty—2,273 penalty units.

- (4) In this section—

***licence operations property*** means property brought into a licence area or relinquished area by a person engaged or involved in the operations authorised by the licence.

***licensee*** includes a former licensee of a licence that is wholly cancelled, partly cancelled, or expired.

## **27 Damage by other persons**

- (1) A person must not damage or occupy land if—
  - (a) the land is used for the construction or operation of a pipeline subject to a licence, and
  - (b) the damage or occupation results in interference to—
    - (i) the construction or operation of the pipeline, or

(ii) lawful access to the pipeline by the licensee for the pipeline.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply to damage or occupation which has been approved by the licensee.

## **Part 4 Reporting**

### **Division 1 Preliminary**

#### **28 Application of part to water supply, drainage or waste, or mine water pipeline**

This part does not apply to a pipeline if the pipeline—

- (a) is a pipeline referred to in the Act, section 5(1)(d), and
- (b) is authorised by a licence.

### **Division 2 Notification in relation to accidents**

#### **29 Definition**

In this division—

***escape or ignition*** means—

- (a) the uncontrolled escape of any substance from a pipeline, or
- (b) the ignition of any substance being conveyed in a pipeline.

#### **30 Notice of escape or ignition involving pipelines**

The licensee for a pipeline must immediately notify the Secretary by telephone or email if the licensee becomes aware of an escape or ignition involving the pipeline.

Maximum penalty—10 penalty units.

#### **31 Report about repairs**

- (1) This section applies if repairs are carried out on a pipeline because of an escape or ignition involving the pipeline.
- (2) The licensee for a pipeline must, within 7 days after completing the repairs, give a written report to the Secretary specifying—
  - (a) the time and place of the escape or ignition, and
  - (b) the approximate quantity of any substance that escaped or escaped and ignited, and

- (c) the damage, if any, that has resulted from the escape or ignition, and
- (d) the conditions that caused or contributed to the escape or ignition, and
- (e) the repairs, and
- (f) the methods used to carry out the repairs.

Maximum penalty for subsection (2)—10 penalty units.

### **32 Notice about death or injury**

- (1) The licensee for a pipeline must, in accordance with this section, give the Secretary written notice of the death or injury of a person caused as a result of an incident involving the construction, maintenance or operation of a pipeline being carried out under the licence.

Maximum penalty—10 penalty units.

- (2) The notice must specify the following—
  - (a) details of the incident that caused the death or injury,
  - (b) the number of persons killed,
  - (c) the number of persons injured,
  - (d) for each injured person—details of the injuries the person suffered.
- (3) The notice must be given—
  - (a) for a death or an injury requiring treatment at a hospital—within 24 hours, or
  - (b) otherwise—within 21 days.

### **33 Obligations under division extend to person in charge**

- (1) The requirements imposed on a licensee for a pipeline by this division are also imposed on a person appointed by the licensee as the person in charge of the pipeline.
- (2) If the licensee or the person in charge complies with a requirement of this section, the other person is no longer required to comply with the requirement.

## **Division 3 Annual report**

### **34 Annual report to be given to Secretary**

- (1) A licensee for a pipeline must, for each financial year during which the licence is in force, give a written report (an **annual report**) to the Secretary in accordance with this division.

Maximum penalty—10 penalty units.

- (2) The annual report for a financial year must be given to the Secretary—
- (a) within 2 months after the end of the financial year, or
  - (b) if the Secretary approves a later date—by the later date.

**35 Matters to be included in annual report**

- (1) The annual report must include the following—
- (a) for land to which the licence relates—details of—
    - (i) changes in the ownership of the land, and
    - (ii) contact made with new owners in accordance with AS 2885, and
    - (iii) damage requiring the licensee to make, or pay the costs of, repairs,
  - (b) a summary of—
    - (i) measures taken to ensure community awareness of the pipeline and safety issues relating to activities under the licence, and
    - (ii) pipeline surveillance carried out in accordance with AS 2885,
  - (c) the results of the pipeline surveillance, including information about the following—
    - (i) the use and effectiveness of one-call systems,
    - (ii) activities of persons other than the licensee that affect or may affect the pipeline,
    - (iii) inspections of tunnels, shafts or valve pits for structural integrity, leaks and operational condition,
    - (iv) access and security for the pipeline and facilities, including locks, gates, fences and vegetation,
    - (v) the condition and maintenance of warning signs and notices,
    - (vi) the placement of fill on or near the pipeline,
    - (vii) the placement of fencing or lighting, or power or telegraph poles, along the pipeline route,
  - (d) details of inspections, assessments or monitoring of pipeline integrity carried out in accordance with AS 2885, including details about—
    - (i) repairs to the pipeline or its coating resulting from the inspection, assessment

or monitoring, and

- (ii) for a pipeline above ground—the condition of its coating, and
  - (iii) for a pipeline below ground—the performance of cathodic protection systems,
- (e) details of unplanned or abnormal incidents in the operation of the pipeline that may affect the safety of the pipeline, including the following—
- (i) over-pressurisation,
  - (ii) excessive temperature change,
  - (iii) operational disruptions,
  - (iv) equipment failures.

(2) In this section—

**one-call system** means a system that provides persons with a single phone number to call before carrying out excavation or construction, to ensure pipelines and other buried facilities are not damaged.

## Division 4 Other reports

### 36 Report of emergencies and unplanned disruptions

A licensee for a pipeline must immediately notify the Secretary, by telephone or email, of an event relating to the activities carried out under the licence that—

- (a) requires the carrying out of emergency procedures under the pipeline management system for the pipeline, or
- (b) is unplanned and causes a disruption to—
  - (i) the operation of the pipeline, or
  - (ii) the conveyance of a substance through the pipeline.

Maximum penalty—10 penalty units.

### 37 Reports of certain activities

- (1) A licensee for a pipeline must, in accordance with this section, provide a written report to the Secretary about the carrying out of—
- (a) a planned emergency simulation, or
  - (b) the following in accordance with AS 2885—
    - (i) a review of the suitability of pressure-control and over-pressure protection

systems of the pipeline,

- (ii) a review, investigation or test relating to the maximum allowable operating pressure of the pipeline,
- (iii) an investigation of the condition of the pipeline and any limits for its continued safe operation beyond its design life,
- (iv) testing of the integrity of the pipeline,
- (v) a review of the classification of the locations along the pipeline,
- (vi) a periodic audit and assessment of the pipeline.

Maximum penalty—10 penalty units.

- (2) The report must be given to the Secretary within 28 days after the carrying out of the activity.

## **Part 5 Miscellaneous**

### **38 Compensation under the Act, s 22A(2)**

- (1) The following references in the Acquisition Act are to be read as follows—
  - (a) acquisition notice—notification under the Pipelines Act, section 21(1),
  - (b) acquisition of land—vesting of lands or easements under the Pipelines Act, section 21(2),
  - (c) date of acquisition of land—date of publication of the notification by which lands or easements vest under the Pipelines Act, section 21(2),
  - (d) public purpose—a purpose for which lands or easements may vest under the Pipelines Act, section 21(2),
  - (e) in Part 3, Divisions 3, 4 and 5, except in sections 42(4), 56(2) and 60(6)(b)—authority of the State—a licensee under the Pipelines Act,
  - (f) in section 42(4)—the Minister—the Minister administering the Pipelines Act,
  - (g) in section 51(5)—
    - (i) payment to the Treasurer for payment into the Consolidated Fund—payment to the licensee, and
    - (ii) payment of compensation from the Consolidated Fund—payment of compensation by the licensee,
  - (h) in sections 56(2) and 60(6)(b)—the Minister responsible for an authority of the

State—the Minister administering the Pipelines Act.

(2) In this section—

**the Acquisition Act** means the *Land Acquisition (Just Terms Compensation) Act 1991*.

**the Pipelines Act** means the *Pipelines Act 1967*.

### **38A Cyber security directions—the Act, Sch 2, cl 11**

(1) The Minister may, by written order, give a direction (a **cyber security direction**) to a licensee requiring the licensee to take action the Minister considers reasonably necessary to—

(a) respond to the impact of a cyber security incident on the licensee’s information technology systems, or

(b) prevent a cyber security incident impacting the licensee’s information technology systems.

(2) The cyber security direction has effect for the period specified in the direction.

(3) A licensee given a direction must comply with the direction.

Maximum penalty—

(a) for a corporation—2,000 penalty units, or

(b) for an individual—100 penalty units.

### **38B Condition on licence—cyber security direction**

For the Act, section 15(1)(a), it is a condition of a licence that the licensee must comply with a cyber security direction.

### **39 Application for directions as to conveyance of substances—the Act, s 23**

For the Act, section 23(2)(b), an application for a direction must be made by addressing it to the Secretary and lodging it at an office of the Department.

### **40 Marking route of pipeline—the Act, Sch 2, cl 6**

(1) A licensee for a pipeline must mark, and keep marked, the route of the pipeline as follows—

(a) for a pipeline for high pressure gas or liquid petroleum—in accordance with AS 2885,

(b) otherwise—by ensuring signs (**pipeline signs**) are in place at the relevant points for the pipeline, specified in section 41, indicating the route of the pipeline.

Maximum penalty—

(a) for a corporation—2,000 penalty units, or

(b) for an individual—400 penalty units.

- (2) A person must not damage or remove a mark or sign, including a pipeline sign, required by this section.

Maximum penalty—10 penalty units.

- (3) A licensee for a pipeline who removes the pipeline must remove all signs required by this section for the pipeline.

Maximum penalty—10 penalty units.

#### **41 Relevant points for pipeline signs—the Act, Sch 2, cl 6**

- (1) The relevant points for a pipeline at which pipeline signs must be in place are as follows—

(a) at each point where the pipeline crosses the following—

(i) a boundary of a property,

(ii) a road,

(iii) a railway,

(iv) a river or stream.

(b) at each abrupt change of direction of the pipeline,

(c) at each point where the pipeline crosses a significant service, including—

(i) a telecommunications cable or electric power cable, or

(ii) a major pipeline or drain, including a major water pipeline, sewer or buried stormwater drain,

(d) if the pipeline runs alongside a road or railway, or is on land other than land classified as Class R1 or equivalent in AS 2885—at points so each sign—

(i) is visible from each adjacent sign, and

(ii) is no more than 500m from each adjacent sign,

(e) if the pipeline is on land classified as Class R1 or equivalent in AS 2885—at points so each sign—

(i) is visible from each adjacent sign, and



(ii) is no more than 1km from each adjacent sign.

(2) A pipeline sign for a pipeline must—

- (a) indicate the location of the pipeline and its description, and
- (b) include the name of the pipeline operator, and
- (c) include an appropriate telephone number for the purpose of contact in an emergency, and
- (d) contain a statement directing persons to contact the pipeline operator before digging near the pipeline, and
- (e) be in accordance with the relevant provisions of AS 2885, and
- (f) be double-sided, and
- (g) be maintained so that it is legible.

#### **42 Other fees**

For each matter specified in Schedule 3, a fee is payable as specified in that schedule in relation to that matter.

#### **43 Surveying of pipelines—the Act, s 69(1)(e1)**

A survey carried out for the Act must be carried out in accordance with the regulations made under the [Surveying and Spatial Information Act 2002](#).

#### **43A Information required for approval of instruments—the Act, Sch 2, cl 10**

- (1) This section applies to a person who has lodged an instrument for approval under the Act, Part 4.
- (2) The Minister may, by written order, direct the person to give to the Minister information about the instrument or the transaction to which the instrument relates.
- (3) A person—
  - (a) must comply with the direction, and
  - (b) must not give information that is false or misleading.

Maximum penalty for subsection (3)—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units.

**43B Production of documents for approval of instrument—the Act, Sch 2, cl 10**

- (1) This section applies to an instrument lodged with the Minister for approval under the Act, Part 4.
- (2) The Minister may, by written order, direct a person to give the Minister, or to make available for inspection by the Minister or a person specified by the Minister, documents in possession or under the control of the person that relate to an instrument or transaction to which the instrument relates.
- (3) A person—
  - (a) must comply with the direction, and
  - (b) must not give or make available for inspection documents that are false or misleading.

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.
- (4) In this section—

**documents** includes books, records, maps and plans.

**43C Evidence at inquiry—the Act, s 31A(4)**

- (1) A body or person (the **examiner**) conducting an inquiry or examination may, by written order served on a person, require the person to do one or more of the following—
  - (a) give information in the person’s possession or control to the examiner,
  - (b) give evidence on matters the subject of the inquiry or examination before the examiner at times and places specified in the order,
  - (c) bring information in the person’s possession or control before the examiner at times and places specified in the order.
- (2) The order must—
  - (a) specify a reasonable time by which information or documents must be given, and
  - (b) describe information and documents either specifically or generally.
- (3) A person must comply with an order under subsection (1).

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units.

(4) In this section—

**information** includes documents, books and other papers.

#### **43D Evidence on oath at inquiry—the Act, s 31A(4)**

- (1) For the Act, section 31A(4)(a), the examiner may, subject to the [Oaths Act 1900](#), section 13, require evidence referred to in section 43C(1)(b) to be given—
  - (a) on oath, and
  - (b) in writing or orally.
- (2) The following persons may administer the oath—
  - (a) for an inquiry or examination conducted by a body—the person presiding at the inquiry or examination,
  - (b) for an inquiry or examination conducted by a person—the person.

#### **43E False or misleading evidence at inquiry—the Act, s 31A(4)**

- (1) A person must not give information or evidence referred to in section 43C(1) that is false or misleading.  
Maximum penalty—
  - (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.
- (2) It is a defence to a prosecution under subsection (1) if the defendant establishes the defendant—
  - (a) believed the truth of the information or evidence given by the defendant, and
  - (b) gave the information or evidence in good faith.

#### **44 Service**

The Act, section 58 applies in relation to the giving of a document under this regulation in the same way as it applies in relation to the service of a document under the Act.

#### **45 Savings**

Any act, matter or thing that, immediately before the repeal of the [Pipelines Regulation 2013](#), had effect under that regulation continues to have effect under this regulation.

## 46 (Repealed)

### Schedule 1 Forms

section 3(2)

#### Form 1 Statement of intention regarding easements

section 6(2)(c)

*(Pipelines Act 1967)*

Pursuant to the *Pipelines Act 1967*, it is intended to acquire—

1 Easement

2 Easement

#### Form 2 Instrument to accompany plan

section 6(3)

*(Pipelines Act 1967)*

Plan No [number] (This is Sheet [sheet number] of a [number] Sheet Instrument)

Plan of pipeline from [place] to [place] containing [number] plan sheets as certified on [date]

##### Part 1

Full name and address of applicant for licence or variation of licence in whose favour all lands and easements over lands have been acquired or are intended to be acquired

##### Part 2

Details of lands or easements over lands acquired or intended to be acquired See schedule to this part

##### Schedule

| Land or easement (related to relevant Sheet No of within-mentioned plan) | Reference to title and land description (including County and Parish) | Name of owner | *Details (Registered No or description of any instrument referred to in the <i>Pipelines Regulation 2023</i> , Schedule 2, section 6(d)) |
|--|---|---------------|--|
|--|---|---------------|--|

1

2

3

Etc

##### Part 3

Identities of easements referred to in abovementioned plan (Grouped by categories as prescribed by the *Pipelines Regulation 2023*, Schedule 2, section 7)

- 1
  - 2
  - 3
- Etc

**Part 4**

Terms of easements referred to in Part 3 (Set out the text of each easement as prescribed by the *Pipelines Regulation 2023*, Schedule 2, section 8)

- 1
  - 2
  - 3
- Etc

**Part 5**

Details of lands to be excluded or easements to be extinguished (See schedule to this part)

**Schedule**

| Land or easement (related to relevant Sheet No of within-mentioned plan) | Reference to title and land description (including County and Parish) | Name of owner of subject lands | *Details (Registered No or description of any instrument referred to in the <i>Pipelines Regulation 2023</i> , Schedule 2, section 9(d)) |
|--|---|--------------------------------|--|
|--|---|--------------------------------|--|

- 1
  - 2
  - 3
- Etc

[Signature of applicant]

\* If land is to be vested in the applicant under the *Pipelines Act 1967*, section 21, insert “To be acquired under Pipelines Act”. If lands or easements are to be acquired by other means, specify the other means.

**Form 3 Easement for pipeline**

Schedule 2, section 10(a)

(*Pipelines Act 1967*)

Full and free right, at all times and from time to time, to the person in whose favour the easement is created, its successors or assignees, its or its successor’s or assignee’s employees, and all other persons authorised by it or them to act on its or their behalf to do the following in relation to the land indicated as the servient tenement—

- (a) enter the land with or without vehicles, plant or equipment,
- (b) lay, construct, repair, maintain, renew, use, operate and remove a pipeline, apparatus or works under the *Pipelines Act 1967* through, in or on the land,

- (c) cause or permit substances to flow or be conveyed through the pipeline,
- (d) do anything incidental to anything in paragraphs (a)-(c).

#### **Form 4 Easement for access**

Schedule 2, section 10(b)

*(Pipelines Act 1967)*

Full and free right, at all times and from time to time, for the person in whose favour the easement is created, its successors and assignees, its or its successor's or assignee's employees, and all other persons authorised by it or them to act on its or their behalf to enter, with or without vehicles, plant and equipment, the land indicated as the servient tenement for any of the following purposes—

- (a) to access land for the purposes of constructing, using or operating a pipeline, apparatus or work under the *Pipelines Act 1967*, including for the purposes of inspecting, maintaining, repairing, reconstructing and removing the pipeline, apparatus or work,
- (b) a purpose connected with or incidental to anything in paragraph (a).

### **Schedule 2 Requirements for instruments to accompany plans**

Sections 6(3)(b) and 7

- 1** Each sheet must have an appropriate heading that relates it to the relevant pipeline plan.
- 2** Each sheet must have an individual sheet number together with the total of the number of sheets in the instrument.
- 3** The instrument must be flat and free from blemishes or creases caused by folding or otherwise.
- 4** Each sheet must be signed by the applicant or by a person authorised by the applicant.
- 5** Part 1 of the instrument must include the full name and address of the applicant.
- 6** The Schedule to Part 2 of the instrument must include the following details of the lands or easements to be acquired for the purposes of the pipeline in a numbered list following the continuity of the pipeline—
  - (a) the plan sheet on which the land or easement is shown,
  - (b) the title details and description of the land or the land affected by the easement, including the county, parish and locality of the land or the land affected by the easement,
  - (c) the full name of owner of the land or the land affected by the easement,
  - (d) details of the instrument vesting the land or easement in the applicant that is, or is intended to be, registered in the office of Land and Property Information,
  - (e) details specifying whether the land or easement is to be acquired under the *Pipelines Act 1967*, section 21, or in another specified way.
- 7** Part 3 of the instrument must list the easements referred to in Part 2 of the instrument so that—
  - (a) easements in the same terms are grouped together in separate categories, and

- (b) each easement includes the list number of the easement shown in Part 2 of the instrument, and
  - (c) each easement is referred to in the same way as in the panel of the plan sheet, and
  - (d) each easement for access is specified to be an easement for access, and
  - (e) each easement for pipeline is specified to be an easement for pipeline.
- 8** Part 4 of the instrument must state the following details of each easement referred in Part 3 of the instrument, in the same order as in Part 3 of the instrument—
- (a) if the easement is vested in the applicant by registration of an instrument in the office of Land and Property Information—the registration number of the instrument,
  - (b) for an easement expressed in Part 3 as an easement for pipeline or easement for access—
    - (i) whether the easement is an easement for pipeline or an easement for access, and
    - (ii) details of any provisos applying,
  - (c) otherwise—the text of the easement.
- 9** The Schedule to Part 5 of the instrument must include the following details of the lands to be excluded or easements to be extinguished in a numbered list following the continuity of the pipeline—
- (a) the plan sheet on which the land or easement is shown,
  - (b) the title details and description of the land or the land affected by the easement, including the county, parish and locality of the land or the land affected by the easement,
  - (c) the full name of owner of the land or the land affected by the easement,
  - (d) details of the instrument excluding the land or extinguishing the easement that is, or is intended to be, registered in the office of Land and Property Information.
- 10** For this regulation—
- (a) if an instrument purports to create an easement for a pipeline, the term ***easement for pipeline*** is taken to have the meaning set out in Form 3, subject to any conditions or qualifications specified in the instrument, and
  - (b) if an instrument purports to create an easement for access to a pipeline, or an easement for access to apparatus or works associated with a pipeline, the term ***easement for access*** is taken to have the meaning set out in Form 4, subject to any conditions or qualifications specified in the instrument.

### Schedule 3 Fees

section 42

| Item | Matter for which fee payable | Fee |
|------|------------------------------|-----|
|------|------------------------------|-----|

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|    |   |         |
|----|---|---------|
| 1  | Application for authority to survey—the Act, section 5E(2)  | \$2,200 |
| 2  | Application for licence—the Act, section 13(1)  | \$2,640 |
| 3  | Application to vary application for licence—the Act, section 13A(3)   | \$350   |
| 4  | Application for variation of licence area—the Act, section 18(3)  | \$50    |
| 5  | Registration of transfer of licence—the Act, section 42(8)  | \$710   |
| 6  | Registration as holder of licence—the Act, section 43(2)  | \$110   |
| 7  | Registration of approval of instrument—the Act, section 45(7)   | \$50    |
| 8  | Inspection of register and registered instruments—the Act, section 50(1)  | \$10    |
| 9  | Application for information concerning any application made or granted for a licence in respect of land specified in the application—the Act, section 50A(2)—             |         |
|    | (a) pipeline search—not expedited   | \$35    |
|    | (b) pipeline search—expedited   | \$53    |
|    | (c) other application for information   | \$18    |
| 10 | Copies of or extracts from the register, or copies of or extracts from an instrument lodged with the Minister, that are certified by the Minister—the Act, section 51(2)— |         |
|    | (a) base fee,   | \$41    |
|    | (b) for each diagram,   | \$34    |
|    | (c) for each folio more than 3 folios   | \$4     |
| 11 | Certificate by the Minister as to an entry, matter or thing—the Act, section 51(3)  | \$14    |