

# Pipelines Regulation 2013

As at 10 August 2018

## Part 1 – Preliminary

### 1 Name of Regulation

This Regulation is the *Pipelines Regulation 2013*.

### 2 Commencement

This Regulation commences on 1 September 2013.

This Regulation replaces the *Pipelines Regulation 2005* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation: "**AS 2885**" means the following publications (as in force for the time being):

(a) the following Australian Standards:

(i) *AS 2885.0--2008, Pipelines--Gas and liquid petroleum, Part 0: General requirements,*

(ii) *AS 2885.1--2012, Pipelines--Gas and liquid petroleum, Part 1: Design and construction,*

(iii) *AS 2885.2--2007, Pipelines--Gas and liquid petroleum, Part 2: Welding,*

(iv) *AS 2885.3--2012, Pipelines--Gas and liquid petroleum, Part 3: Operation and maintenance,*

(b) the Australian and New Zealand Standard *AS/NZS 2885.5:2012, Pipelines--Gas and liquid petroleum, Part 5: Field pressure testing.*

"**person-in-charge**" --see clause 24. "**the Act**" means the *Pipelines Act 1967*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

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

### 4 Application of Parts 3 and 4 to water supply, drainage or waste or mine water pipeline (cf clause 3A 2005 Reg)

Divisions 2-5 of Part 3 and Part 4 do not apply with respect to a pipeline referred to in section 5 (1) (d) of the Act that is the subject of a licence under the Act.

## Part 2 – Applications--authorities to survey, pipeline licences and variations

### 5 Applications for authorities to survey

(cf definition of "standard map" in clause 3, and clauses 4 and 9 2005 Reg)

(1) For the purposes of section 5E (2) of the Act:

(a) an application for an authority to survey is to be made by addressing it to the Secretary and lodging it at an office of the Department, and

(b) the land to which the application relates is to be specified in a schedule to the application that:

(i) lists the lands in respect of which the application is made in a

- continuous geographical sequence, and
- (ii) identifies any of the lands that are reserved or dedicated under the *Crown Land Management Act 2016*, or the subject of an authority or mineral claim under the *Mining Act 1992*, and
- (iii) identifies each parcel of land by its current folio identification (if any) in the office of Land and Property Information and the parish, county and local government area in which the land is situated, and
- (c) the maps that are to accompany the application are standard maps that clearly show the following:
  - (i) the lands in respect of which the application is made and the boundaries of the various properties affected by the application, and
  - (ii) the approximate route of the pipeline and the approximate location of any proposed apparatus or works.
- (2) In this clause: "**standard map**" means:
  - (a) a cadastral map published by Geoscience Australia or by another department or agency of the New South Wales or Commonwealth government, or
  - (b) if such a cadastral map is not available, an aerial photograph or topographic map of a standard acceptable to the Secretary.

## **6 Applications for licences**

(cf clause 10 2005 Reg)

For the purposes of section 13 (1) of the Act, an application for a licence is to be made by addressing it to the Secretary and lodging it at an office of the Department.

## **7 Plans to accompany applications for licences and variations**

(cf clauses 10 (b), 11 (2), 13 (2), 14 and 15 2005 Reg)

- (1) This clause applies to the following plans:
  - (a) a plan that under section 13 (1) of the Act must accompany an application for a licence,
  - (b) a plan that under section 13A (4), (5) or (6) of the Act must accompany an application for variation of an application for a licence,
  - (c) a plan that under section 18 (4), (5) or (6) of the Act must accompany an application for variation of a licence area.
- (2) A plan to which this clause applies must be prepared in accordance with the provisions:
  - (a) set out in the regulations made under the *Conveyancing Act 1919*, and
  - (b) applying to the preparation of plans lodged by hand for registration in the office of the Registrar-General.
- (3) For the purposes of subclause (2), a reference to a deposited plan in the provisions referred to in that subclause is to be read as a reference to a plan to which this clause applies.
- (4) In any plan to which this clause applies, a statement, in Form 1, relating to the easements intended to be acquired must be printed on the panel provided on the plan sheet. Any such easements must be identified in the panel by reference to the way in which they are identified on the plan.
- (5) The plan must be accompanied by an instrument, in Form 2, that complies with the requirements of Schedule 2.

## **8 RMS to be served with notifications and instruments**

(cf clause 13A 2005 Reg)

- (1) Roads and Maritime Services is a public authority on whom a notification or

instrument must be served under section 13 (4), 13A (8), 13B (3) or 18 (8) of the Act.

(2) For the purposes of sections 13 (4), 13A (8) and 13B (3) of the Act, the notification or instrument must be served on Roads and Maritime Services within the period of 7 days after the day that:

- (a) the application for a licence to which the notification relates is made to the Minister, in the case of a notification referred to in section 13 (4), or
- (b) the further application to which the notification relates is made to the Minister, in the case of a notification referred to in section 13A (8), or
- (c) the instrument is served on the Minister, in the case of an instrument referred to in section 13B (3).

## **Part 3 – Design, construction, operation, maintenance, management and alteration of pipelines**

### **Division 1 – Interpretation**

#### **9 Definitions**

(cf definitions of "hazardous event", "nominated auditor" and "safety and operating plan" in clause 3 (1) 2005 Reg)

In this Part:

**"hazardous event"** means an event that causes, or has the potential to cause, physical injury to, or damage to the health of, a person or damage to property or the environment.

**"nominated auditor"**, in relation to a licensee's pipeline management system, means the person for the time being nominated, in accordance with Division 4, as an auditor of that system.

**"pipeline management plan"** means a pipeline management plan lodged, and as amended from time to time, under Division 3.

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

### **Division 2 – Application of standards to design, construction, operation, maintenance and management**

#### **10 Design, construction, maintenance and operation of pipeline to accord with appropriate standards**

(cf clauses 16-18 2005 Reg)

(1) A licensee must ensure that the design, construction, operation and maintenance of any pipeline operated under the licence are in accordance with the relevant provisions of:

- (a) in the case of pipelines for high-pressure gas and liquid petroleum-- AS 2885, or
- (b) in any other case-- AS 2885 or a standard in respect of which an approval is in force under this clause in relation to the licensee concerned.

Maximum penalty: 10 penalty units.

(2) The Secretary may, on application by a licensee, approve a standard for the purposes of this clause in relation to that licensee.

(3) The Secretary may revoke an approval under this clause but only after having:

- (a) served written notice on the licensee concerned of the Secretary's intention to revoke the approval, and
- (b) given the licensee an opportunity to make submissions.

(4) An approval, or the revocation of an approval, under this clause:

- (a) must be notified to the licensee concerned by notice in writing served on the

licensee, and

(b) takes effect on the day on which the notice is served or on a later day specified in the notice.

### **11 Pipeline management system to accord with AS 2885**

A licensee must implement a pipeline management system that relates to the pipeline operated under the licence and is in accordance with the relevant provisions of AS 2885.

Maximum penalty: 10 penalty units.

### **Division 3 – Pipeline management plan**

#### **12 Licensees to lodge pipeline management plan**

(cf clauses 25 (1) (a) and (2) and 26 2005 Reg)

(1) A licensee must lodge with the Secretary a pipeline management plan consisting of written plans, policies and procedures that:

(a) relate to the pipeline operated under the licence, and

(b) describe, and form part of, the pipeline management system relating to that pipeline.

(2) The licensee must lodge the plan by whichever of the following dates occurs later:

(a) 1 March 2014, or

(b) the date occurring 6 months after the commencement of operation of the pipeline.

Maximum penalty: 10 penalty units.

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

(cf clause 25 (1) (b) 2005 Reg)

A licensee must implement its pipeline management plan.

Maximum penalty: 10 penalty units.

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

(cf clause 30 2005 Reg)

(1) The Secretary may, by order in writing, direct a licensee to amend the licensee's pipeline management plan (in such manner, and within such period of time, as is specified in the order) if the Secretary is of the opinion that implementation of the plan (or the pipeline management system of which the plan forms a part) may or will give rise to, or has given rise to, a hazardous event.

(2) A licensee must comply with any direction under this clause and must furnish a copy of the amended plan to the Secretary within 7 days after complying with the direction.

Maximum penalty: 10 penalty units.

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

(1) A licensee may, from time to time, amend its pipeline management plan by lodging an amended plan with the Secretary.

(2) A licensee must, when lodging the amended plan, ensure that the plan is accompanied by:

(a) a report from the licensee specifying the amendments made and the effect of those amendments, and

(b) a certificate by a nominated auditor that the amendments do not cause the licensee's pipeline management system to fail to be in accordance with the relevant provisions of AS 2885.

Maximum penalty: 10 penalty units.

## **16 Secretary may direct compliance with pipeline management plan**

(cf clause 32 2005 Reg)

(1) The Secretary may, by order in writing, direct a licensee to take such action, within such time, as is specified in the order to comply with any requirements of its pipeline management plan, or to follow any procedures set out or referred to in that plan, if the Secretary is of the opinion that the licensee:

- (a) is not complying with those requirements, or
- (b) is not following those procedures.

(2) A licensee must comply with any direction under this clause. Maximum penalty: 10 penalty units.

(3) A reference in this clause to any requirements of a pipeline management plan includes a reference to any codes, standards or specifications set out or referred to in that plan.

## **17 Availability of pipeline management plan**

(cf clause 31 2005 Reg)

A licensee:

- (a) must cause its pipeline management plan to be kept at its principal office, and
- (b) must cause copies of the plan to be made available to persons involved in the implementation of the plan and to the Secretary.

Maximum penalty: 10 penalty units.

## **Division 4 – Auditing of pipeline management system**

### **18 Nomination of person to audit pipeline management system**

(cf clause 27 2005 Reg)

(1) A licensee may, by notice in writing served on the Secretary, nominate a person to exercise the functions of an auditor under this Part in respect of the licensee's pipeline management system.

(2) The nominated person must be a person who is:

- (a) independent of the licensee, and
- (b) competent to exercise the functions of an auditor under this Part in respect of the licensee's pipeline management system.

(3) A nomination takes effect one month after a licensee serves notice of the nomination on the Secretary unless, prior to that date, the Secretary rejects the nomination by notice in writing served on the licensee.

(4) The nomination ceases to have effect if the Secretary revokes it by notice in writing served on the licensee.

### **19 Initial audit of pipeline management system**

(cf clause 28 2005 Reg)

(1) A licensee must, when lodging a pipeline management plan, ensure that the plan is accompanied by a report from a nominated auditor that relates to the pipeline management system of which the plan forms a part and that complies with this clause. Maximum penalty: 10 penalty units.

(2) The report must include a certificate by the nominated auditor that:

- (a) the system is in accordance with the relevant provisions of AS 2885, and
- (b) all measures under the system are in place that are intended:
  - (i) to prevent hazardous events from occurring, and
  - (ii) to protect operating personnel, plant, equipment, the community and the environment should those events occur, and

- (c) there are properly trained and equipped personnel available to implement the system.
- (3) The Secretary may, before the expiration of the period within which a pipeline management plan must be lodged by a licensee under Division 3, extend that period, by notice in writing served on the licensee, if the licensee provides the Secretary with a report from a nominated auditor specifying:
  - (a) that an audit has been carried out, and
  - (b) any failure to comply with subclause (2) (a), (b) or (c), and
  - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
  - (d) the measures that the licensee proposes to take to rectify any such non-compliance.

## **20 Periodical audits of pipeline management system**

(cf clause 29 2005 Reg)

- (1) A licensee must lodge with the Secretary a report from a nominated auditor that relates to the licensee's pipeline management system and complies with this clause:
  - (a) within the period of 28 days after each anniversary of the grant of the licence, or
  - (b) within such other periods of a lesser frequency as the Secretary approves in writing in relation to the particular licensee.

Maximum penalty: 10 penalty units.

- (2) The report must include a certificate by the nominated auditor that:
  - (a) all measures under the pipeline management system continue to be in place that are intended:
    - (i) to prevent hazardous events from occurring, and
    - (ii) to protect operating personnel, plant, equipment, the community and the environment should those events occur, and
  - (b) there are properly trained and equipped personnel available to continue implementing the pipeline management system, and
  - (c) the pipeline management system is adequate and appropriate having regard to any changes, since the previous audit certificate was issued, that impact on the integrity or reliability of the pipeline and have been made to:
    - (i) the pipeline (including its apparatus or works), or
    - (ii) the pipeline's method of operation, or
    - (iii) the pipeline's operating, control or monitoring systems.
- (3) The Secretary may, before the expiration of a period within which a report must be lodged by a licensee under subclause (1), extend that period, by notice in writing served on the licensee, if the licensee provides the Secretary with a report from a nominated auditor specifying:
  - (a) that an audit has been carried out, and
  - (b) any failure to comply with subclause (2) (a), (b) or (c), and
  - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
  - (d) the measures that the licensee proposes to take to rectify any such non-compliance.
- (4) The Secretary may revoke an approval referred to in subclause (1) in relation to a licensee by notice in writing served on the licensee.
- (5) Any such revocation takes effect on the day on which the notice is served or on a later day specified in the notice.

## **Division 5 – Alterations to pipelines**

### **21 Alteration of pipeline**

(cf clause 19 2005 Reg)

(1) A licensee must not carry out any work involving the permanent alteration of a pipeline that is operated under the licence, unless written notice of the proposed work, setting out a detailed description of the proposed work (including a schematic design, if relevant), has been served on the Secretary. Maximum penalty: 10 penalty units.

(2) After such a notice has been served on the Secretary, the Secretary may require the licensee concerned to furnish further information on the proposed work.

(3) A licensee must comply with any such requirement made of the licensee by the Secretary. Maximum penalty: 10 penalty units.

(4) This clause does not apply to the alteration of a pipeline in an emergency.

(5) Nothing in this clause authorises the alteration of a pipeline by a licensee that results in a contravention of, or failure to comply with, a condition of the licence.

It is generally an offence against section 11 of the Act to alter a pipeline except in pursuance of a licence.

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

(cf clause 20 2005 Reg)

A licensee who carries out work involving the permanent alteration, in an emergency, of a pipeline that is operated under the licence must serve written notice of the work on the Secretary as soon as practicable after the work is completed.

Maximum penalty: 10 penalty units.

See also section 11 (3) of the Act in relation to additional requirements that may apply if an alteration is made in an emergency.

## **23 Report relating to alteration of pipeline**

(cf clause 21 2005 Reg)

(1) A licensee must, within 14 days after completing any work involving the permanent alteration of a pipeline that is operated under the licence, submit a report in writing to the Secretary containing the following:

(a) a statement to the effect that the work has been completed,

(b) 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.

(2) A person must not include any statement or information in a report under this clause that the person knows is false or misleading. Maximum penalty: 10 penalty units.

## **Division 6 – Other**

### **24 Person-in-charge**

(cf clause 33 2005 Reg)

(1) Before commencing the construction, maintenance or operation of a pipeline under a licence, the licensee:

(a) must appoint a person as person-in-charge who is authorised by the licensee to oversee the construction, maintenance and operation of the pipeline on behalf of the licensee, and

(b) must advise the Secretary in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).

Maximum penalty: 10 penalty units.

(2) Within 7 days after a person ceases to be appointed as a person-in-charge, the

licensee:

- (a) must appoint another person in that person's place, and
- (b) must advise the Secretary in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).

Maximum penalty: 5 penalty units.

## **25 Disturbance of lands**

(cf clause 34 2005 Reg)

(1) A licensee must carry out all activities authorised by the licence in a manner that does not interfere with the existing use of land to a greater extent than may be necessary.

Maximum penalty: 10 penalty units.

(2) At the conclusion of the construction of a pipeline and any other associated activities authorised by a licence, the licensee must ensure that the surface of the land is restored as nearly as practicable to the condition in which it was immediately before the commencement of the construction or activities. Maximum penalty: 10 penalty units.

## **26 Public thoroughfare**

(cf clause 35 2005 Reg)

A licensee must preserve a free, uninterrupted and safe passage to, along and over a public road during construction, maintenance or operation of a pipeline on, under, over or through the road, except as otherwise approved by the public or local authority responsible for the road.

Maximum penalty: 10 penalty units.

## **27 Damage by other persons**

(cf clause 36 2005 Reg)

A person must not, without the prior approval of the licensee, damage or occupy any land used for the construction or operation of a pipeline if the damage or occupation would result in interference to the construction or operation of the pipeline or the licensee's lawful access to the pipeline or the site of the proposed pipeline.

Maximum penalty: 10 penalty units.

# **Part 4 – Reporting and inspection**

## **Division 1 – Reporting of accidents and emergencies**

### **28 Escape or ignition of substances**

(cf clause 37 2005 Reg)

(1) Immediately after becoming aware of the uncontrolled escape of any substance from a pipeline, or the ignition of any substance being conveyed in a pipeline, the licensee must cause the Secretary to be notified of the escape or ignition by telephone or email.

Maximum penalty: 10 penalty units.

(2) Within 7 days after completing any repairs to the pipeline made necessary by the escape or ignition, the licensee must cause a written report to be sent to the Secretary giving full information as to:

- (a) the time and place of the escape or ignition, and
- (b) the approximate quantity of the substance that has escaped, 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, as they become known, and

(e) the nature and description of the repairs that have been carried out and the method that has been adopted to carry out the repairs.

Maximum penalty: 10 penalty units.

(3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is not required to comply.

## **29 Reports of accidents**

(cf clause 38 2005 Reg)

(1) If a person is killed or injured because of an accident involving the construction, maintenance or operation of a pipeline, the licensee must cause written notice of that fact to be served on the Secretary:

(a) within 24 hours, in the case of death or serious injury, or

(b) within 21 days, in any other case.

Maximum penalty: 10 penalty units.

(2) The notice must specify the nature of the accident and the number of persons killed or injured, and (in the case of injured persons) describe the injuries.

(3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is not required to comply.

(4) In this clause, "**serious injury**" means any injury requiring treatment at a hospital.

## **30 Report of emergencies and unplanned disruptions**

(cf clause 39 2005 Reg)

(1) A licensee must cause the Secretary to be notified immediately, by telephone or by email, of any event relating to the activities carried out under the licence that:

(a) requires the carrying out of emergency procedures under the licensee's pipeline management system, or

(b) is unplanned and causes a disruption to the operation of a pipeline, or to the conveyance of a product through a pipeline, under the licence.

Maximum penalty: 10 penalty units.

(2) In this clause, "**pipeline management system**" has the same meaning as in Part 3.

## **Division 2 – Reporting of operations**

### **31 Annual report**

(cf clause 41 2005 Reg)

(1) A licensee must, in respect of each financial year during which the licence is in force, provide a written report to the Secretary in accordance with this clause that includes the following matters:

(a) details of any changes in the ownership of the land to which the licence relates and a summary of any contact made with any new landowners undertaken in accordance with AS 2885,

(b) details of any damage caused to the landowners of the land to which the licence relates that required the licensee to make repairs or to pay the costs of repairs,

(c) a summary of any pipeline surveillance carried out in accordance with AS 2885, and the results of the surveillance, including information on the following:

(i) the use by the licensee, and the effectiveness, of the system known as the "**one-call system**", that is, a system to enable persons to locate buried assets before excavating land,

- (ii) any activity that affects or could affect the pipeline that was carried out by a person other than the licensee,
- (iii) any inspection of any tunnels, shafts or valve pits for structural integrity, leaks and operational condition,
- (iv) access to, or security of, the pipeline and pipeline 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, on or along the pipeline route,
- (d) details of the monitoring of the pipeline integrity, and any inspections and assessments, carried out in accordance with AS 2885, including:
  - (i) any pipeline or coating repairs carried out as a result of any such monitoring, inspection or assessment, and
  - (ii) the condition of any coating of above-ground pipework, and
  - (iii) an assessment of the performance of any cathodic protection systems for below-ground pipework,
- (e) details of any unplanned or abnormal incidents in the operation of the pipeline that could have an effect on the long-term safety of the pipeline, including over-pressurisation, excessive temperature change, operational disruptions and equipment failures,
- (f) a summary of any measures taken to ensure community awareness of the pipeline and any safety issues relating to the licensee's activities under the licence.

Maximum penalty: 10 penalty units.

(2) Each such report must be provided before 31 August immediately following the financial year to which the report relates.

(3) In this clause: "**financial year**" means a year ending on 30 June.

### **32 Other reports**

(cf clauses 40 and 42 2005 Reg)

A licensee must provide a written report to the Secretary on the following matters within 28 days after the activity concerned is carried out:

- (a) any review of the suitability of pressure-control and over-pressure protection systems of a pipeline operated under the licence that is carried out in accordance with AS 2885,
- (b) any review, investigation or test relating to the maximum allowable operating pressure of the pipeline and carried out in accordance with AS 2885,
- (c) any investigation of the condition of the pipeline and any limits for its continued safe operation beyond its design life carried out in accordance with AS 2885,
- (d) any testing of the integrity of the pipeline carried out in accordance with AS 2885,
- (e) any review of the classification of the locations along the pipeline carried out in accordance with AS 2885,
- (f) any periodic audit and assessment of the pipeline carried out in accordance with AS 2885,
- (g) any planned emergency simulations.

Maximum penalty: 10 penalty units.

## **Part 5 – Miscellaneous**

### **33 Compensation under section 22A of Act**

(cf clause 43 2005 Reg)

- (1) In this clause: "**the Acquisition Act**" means the *Land Acquisition (Just Terms Compensation) Act 1991*. "**the Pipelines Act**" means the *Pipelines Act 1967*.
- (2) For the purposes of section 22A (2) of the Pipelines Act:
- (a) a reference in the Acquisition Act to an acquisition notice is to be read as a reference to a notification under section 21 (1) of the Pipelines Act, and
  - (b) a reference in the Acquisition Act to the acquisition of land is to be read as a reference to the vesting of lands or easements under section 21 (2) of the Pipelines Act, and
  - (c) a reference in the Acquisition Act to the date of acquisition of land is to be read as a reference to the date of publication of the relevant notification by which lands or easements have become vested in a licensee under section 21 (2) of the Pipelines Act, and
  - (d) a reference in the Acquisition Act to a public purpose is to be read as a reference to any purpose for which lands or easements may be vested in a licensee under section 21 (2) of the Pipelines Act.
- (3) In the application of Divisions 3, 4 and 5 of Part 3 of the Acquisition Act for the purposes of section 22A of the Pipelines Act:
- (a) a reference in the Acquisition Act to an authority of the State is to be read as a reference to a licensee under the Pipelines Act except in sections 42 (4), 56 (2) and 60 (6) (b), and
  - (b) a reference in sections 42 (4), 56 (2) and 60 (6) (b) of the Acquisition Act to the Minister responsible for an authority of the State (or the Minister responsible for the authority of the State) is to be read as a reference to the Minister administering the Pipelines Act, and
  - (c) a reference in section 60 (2) (b) of the Acquisition Act to the Minister is to be read as a reference to the Minister administering the Pipelines Act, and
  - (d) a reference in section 51 (5) of the Acquisition Act:
    - (i) to payment to the Treasurer for payment into the Consolidated Fund is to be read as a reference to payment to the licensee, and
    - (ii) to any payment of the compensation concerned required to be made being made from the Consolidated Fund is to be read as a reference to any payment of the compensation concerned required to be made being made by the licensee.

### **34 Application for directions as to conveyance of substances**

(cf clause 45 2005 Reg)

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

### **35 Marking of route of pipeline**

(cf clauses 46 and 47 2005 Reg)

- (1) For the purposes of section 27 of the Act, a licensee must mark the route of a pipeline, and keep it marked, in accordance with this clause.
- (2) In the case of a pipeline for high pressure gas or liquid petroleum, the licensee must mark the route, and keep it marked, in accordance with the relevant provisions of AS 2885.
- (3) The licensee of a pipeline (other than a pipeline for high-pressure gas or liquid petroleum) must erect, at the following points, signs indicating the route of the pipeline in respect of which the licence is held:
- (a) at each point where the pipeline crosses the boundary of a property, highway,

- road, railway, river or stream,
  - (b) at each abrupt change of direction of the pipeline,
  - (c) at each point where the pipeline crosses a significant service, such as:
    - (i) a telecommunications 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 highway, road or railway (or is on land other than land classified as Class R1 or equivalent in AS 2885)--at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 500 metres,
  - (e) if the pipeline is on land classified as Class R1 or equivalent in AS 2885 --at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 1 kilometre.
- (4) Each such sign:
- (a) must indicate the location of the pipeline, its description, the name of the pipeline operator and an appropriate telephone number for the purpose of contact in an emergency, and
  - (b) must contain a statement directing excavators to contact the pipeline operator before digging near the pipeline, and
  - (c) must be double-sided, and
  - (d) must be in accordance with the relevant provisions of AS 2885.
- (5) The licensee must maintain each sign so that, at all times, it is legible and is visible from the next adjacent signs.
- (6) A person must not damage or remove a sign erected in accordance with this clause. Maximum penalty: 10 penalty units. Subclauses (2) and (3) both require the erection of signage.
- (7) If a pipeline in respect of which signs have been erected in accordance with this clause is removed, the licensee must also remove the signs. Maximum penalty: 10 penalty units.

### **36 Maximum annual licence fee per kilometre of pipeline**

(cf clause 48 2005 Reg)

For the purposes of section 37 (1) of the Act, \$500 is prescribed as the maximum annual fee per kilometre, or portion of a kilometre, of pipeline that may be determined by the Minister.

### **37 Other fees**

(cf clauses 4 (d), 10 (c), 11 (1), 13 (1), 50-55 2005 Reg)

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

### **38 Surveying of pipelines**

(cf clause 56 2005 Reg)

A survey carried out for the purposes of the Act must be carried out in accordance with the regulations made under the *Surveying and Spatial Information Act 2002*.

### **39 Service**

Section 58 of the Act applies in relation to the service of a document under this Regulation in the same way as it applies in relation to the service of a document under the Act.

### **40 Savings**

(cf clause 57 2005 Reg)

(1) Any act, matter or thing that, immediately before the repeal of the *Pipelines Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

(2) Clause 11 has no effect in relation to a pipeline operated under a licence in force immediately before 1 September 2013. This subclause ceases to have effect on 1 March 2014.

(3) A safety and operating plan for a pipeline (as in force immediately before the repeal of the *Pipelines Regulation 2005*) is taken, for the purposes of Part 3 of this Regulation, to be the pipeline management plan for the pipeline until the date on which the licensee lodges a pipeline management plan for the pipeline under that Part. This subclause ceases to have effect on 1 March 2014.

(4) Clause 6 of Schedule 1 to the Act does not apply in respect of an application under section 18 or 30 (1) (d) of the Act if the Minister is of the opinion that the granting of the application would be likely to significantly affect the environment.

## Schedule 1 Forms

(Clause 3 (2))

### Form 1 – Statement of intention regarding easements

(Clause 7 (4))

### Statement of intention regarding easements

(*Pipelines Act 1967*)

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

1 Easement

2 Easement

### Form 2 – Instrument to accompany plan

(Clause 7 (5))

### Instrument to accompany plan

(*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	Reference to title and land description	*Details (Registered No or description of any instrument referred to in clause 10 (d) or

Sheet No of within-mentioned plan)	(including County and Parish)	of owner	(e) of Schedule 2 to the <i>Pipelines Regulation 2013)</i>
1			
2			
3			
Etc			

	<b>Part 3</b>
Identities of easements referred to in abovementioned plan	(Grouped by categories as prescribed by clause 7 of Schedule 2 to the <i>Pipelines Regulation 2013)</i>
1	
2	
3	
Etc	

	<b>Part 4</b>
Terms of easements referred to in Part 3	(Set out the text of each easement as prescribed by clause 8 of Schedule 2 to the <i>Pipelines Regulation 2013)</i>
1	
2	
3	
Etc	

	<b>Part 5</b>
Details of lands to be excluded or easements to be extinguished	(See Schedule to this Part)

	<b>Schedule</b>		
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 clause 10 (d) or (e) of Schedule 2 to the <i>Pipelines Regulation 2013)</i>
1			
2			
3			
Etc			

[Signature of applicant]

\* If applicant desires land to be vested in the applicant under section 21 of the *Pipelines Act 1967*, insert "To be acquired under Pipelines Act". If lands or easements are to be acquired by other means, those means must be specified.

**Form 3 – Easement for pipeline**  
(Clause 11 (a) of Schedule 2)

**Easement for pipeline**  
(*Pipelines Act 1967*)

Full and free right to the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time:

- (a) to lay, construct, repair, maintain, renew, use, operate and remove pipelines, apparatus or works for the conveyance of any substance whether in a gaseous liquid or solid state and for purposes incidental thereto under the *Pipelines Act 1967*, through in and along the land herein indicated as the servient tenement, and
- (b) to cause or permit to flow or be conveyed through and along the said pipelines any such substance, and
- (c) with or without vehicles, plant and equipment to enter and be in the servient tenement for the purpose of exercising any rights granted to it or them hereunder, and
- (d) to perform or carry out any act incidental to any of the aforesaid purposes.

**Form 4 – Easement for access**

(Clause 11 (b) of Schedule 2)

**Easement for access**

(*Pipelines Act 1967*)

Full and free right for the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time to go, pass and repass with or without vehicles, plant and equipment along over and upon the land herein indicated as the servient tenement for the purpose of access to any lands for constructing, using or operating any pipeline, apparatus or works under the provisions of the *Pipelines Act 1967* including the inspection, maintenance, repair, reconstruction and removal of the same and for any other purpose connected with or incidental to any of the aforesaid purposes.

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

(Clause 7)

**1**

Each sheet must bear an appropriate heading establishing identity with the pipeline plan.

**2**

Each sheet must bear a statement clearly indicating its 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 some other person duly authorised by the applicant.

**5**

Part 1 of the instrument must state the full and correct name and address of the applicant.

**6**

The schedule to Part 2 of the instrument:

- (a) must state the details of the lands or easements to be acquired for the purposes of the pipeline in a numbered order following the continuity of the pipeline, and
- (b) must relate each to the plan sheet on which it is illustrated.

**7**

Part 3 of the instrument:

- (a) must group each category of easements that are in the same terms, and
- (b) must relate each group to the easement numbers allotted in the schedule to Part 2 of the instrument, and
- (c) must refer to the easements in the same way as in the panel of the plan sheet.

**8**

Part 4 of the instrument must set out (in the same order as in Part 3 of the instrument) the text of each easement referred to in Part 3, but it is unnecessary to set out the text of an easement in Part 4 if the easement:

- (a) is identified by reference to the registration number of an instrument, registered in the office of Land and Property Information, by which the easement was created (or by reference to an instrument that, on registration in that office, will create the easement), or
- (b) is expressed in Part 3 as an "**easement for pipeline**" or "**easement for access**" (and, if that expression has been altered by the addition of a proviso, the proviso is recited in Part 4).

**9**

The schedule to Part 5 of the instrument:

- (a) must state the details of the lands to be excluded or easements to be extinguished in a numbered order following the continuity of the pipeline, and
- (b) must relate each to the plan sheet on which it is illustrated.

**10**

The details of the lands or easements must include:

- (a) a heading or headings within each schedule sheet, showing the relevant county and parish and locality of the lands and the easements over lands listed in that sheet, and
- (b) the reference to title and description of all lands affected in fee or by easement, and
- (c) the full and correct name of the owner of the lands, and
- (d) details of any instruments registered in the office of Land and Property Information that vest any of the lands or easements over lands in the applicant, and
- (e) details of any instruments intended to be lodged for registration in the office of Land and Property Information that vest or are intended to vest any of the lands or easements over lands.

**11**

For the purposes of this Regulation:

- (a) in any instrument purporting to create an easement for a pipeline, the expression "**easement for pipeline**" has the same effect as if there had been used instead the words contained in Form 3, and
- (b) in any instrument purporting to create an easement for access to a pipeline, or for access to apparatus or works, the expression "**easement for access**" has the same effect as if there had been used instead the words contained in Form 4.

**12**

The meanings of the expressions "**easement for pipeline**" and "**easement for access**" may be

altered by the addition of provisos.

## Schedule 3 Fees

(cf Sch 1 2005 Reg)

(Clause 37)

Item	Matter for which fee payable	Fee
1	Application for authority to survey (section 5E (2) of the Act)	\$2,200
2	Application for licence (section 13 (1) of the Act)	\$2,640
3	Application to vary application for licence (section 13A (3) of the Act)	\$350
4	Application for variation of licence area (section 18 (3) of the Act)	\$50
5	Registration of transfer of licence (section 42 (8) of the Act)	\$710
6	Registration as holder of licence (section 43 (2) of the Act)	\$110
7	Registration of approval of instrument (section 45 (7) of the Act)	\$50
8	Inspection of register and registered instruments (section 50 (1) of the Act)	\$10
9	Application for information concerning any application made or granted for a licence in respect of land specified in the application (section 50A (2) of the Act):	
	(a) pipeline search (non-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 (section 51 (2) of the Act)	\$41 and, in addition, \$34 for each diagram and, if the copy or extract exceeds 3 folios, an additional \$4 for each folio in excess of 3
11	Certificate by the Minister as to an entry, matter or thing (section 51 (3) of the Act)	\$14

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivision

					s
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Pipelines Regulation 2013 (484)*. LW 30.8.2013. Date of commencement, 1.9.2013, cl 2. This Regulation has been amended as follows:

201 4	No 88	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2014</i> . Assented to 28.11.2014. Date of commencement of Sch 2, 8.1.2015, sec 2 (1).
201 5	No 15	<i>Statute Law (Miscellaneous Provisions) Act 2015</i> . Assented to 29.6.2015. Date of commencement of Sch 2, 8.7.2015, sec 2 (1).
201 7	No 17	<i>Crown Land Legislation Amendment Act 2017</i> . Assented to 17.5.2017. Date of commencement of Sch 4, 1.7.2018, sec 2 (1) and 2018 (225) LW 1.6.2018.

#### Table of amendments

Cl 3	Am 2014 No 88, Sch 2.53 [2].
Cl 5	Am 2017 No 17, Sch 4.73.
Sch 1	Am 2015 No 15, Sch 2.41.
The whole Regulation	Am 2014 No 88, Sch 2.53 [1] ("Director-General" and "Director-General's" omitted wherever occurring, "Secretary" and "Secretary's" inserted instead, respectively).