

# Pipelines Regulation 2005

## Reprint history:

Reprint No 1

22 April 2008

## Part 1 – Preliminary

### 1 Name of Regulation

This Regulation is the *Pipelines Regulation 2005*.

### 2 Commencement

This Regulation commences on 1 September 2005.

This Regulation replaces the *Pipelines Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation: "**AS 2885.1**" means *AS 2885.1--2007, Pipelines--Gas and liquid petroleum--Design and construction*, published by Standards Australia (as in force for the time being). "**AS 2885.3**" means *AS 2885.3--2001, Pipelines--Gas and liquid petroleum--Operation and maintenance*, published by Standards Australia (as in force for the time being). "**Department**" means the Department of Energy, Utilities and Sustainability. "**Director-General**" means the Director-General of the Department. "**environment management plan**" means an environment management plan in force under Division 2 of Part 4. "**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**" for a licensee means the auditor for the time being nominated by the licensee in accordance with clause 27. "**person-in-charge**" means, in relation to a licensee, the person for the time being appointed as person-in-charge by the licensee under clause 33. "**safety and operating plan**" means a safety and operating plan lodged under clause 25. "**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 maps referred to in paragraph (a) are not available, an aerial photograph or topographic map of a standard acceptable to the Director-General,

being a map or photograph that indicates the boundaries of the various properties affected by the application in connection with which it is used. "**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 3.

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

### 3A Application of Parts 4 and 5

Divisions 1-3 of Part 4, and Part 5, 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 – Authorities to survey

#### **4 Applications for authorities to survey (section 5E)**

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

- (a) the prescribed manner of making an application for an authority to survey is by addressing it to the Director-General and lodging it at an office of the Department, and
- (b) the prescribed manner in which the lands to which the authority relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
- (c) the prescribed maps are standard maps that clearly indicate the lands to which the application relates, and
- (d) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

#### **5-8 (Repealed)**

#### **9 Applications generally**

- (1) A schedule of lands prepared for the purposes of this Part:
  - (a) must list the lands concerned in a continuous geographical sequence, and
  - (b) must identify any reserves or dedications under the *Crown Lands Act 1989* and any lands the subject of an authority or mineral claim under the *Mining Act 1992*, and
  - (c) must identify 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.
- (2) On any map prepared for the purposes of this Part, the approximate route of the pipeline and the approximate location of any proposed apparatus or works must be clearly shown.

### **Part 3 – Pipeline licences**

#### **Division 1 – General**

#### **10 Applications for licences (section 13)**

For the purposes of section 13 (1) of the Act:

- (a) the prescribed manner of making an application for a licence is by addressing it to the Director-General and lodging it at an office of the Department, and
- (b) the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2, and
- (c) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

#### **11 Applications for variation of application for licence (section 13A)**

- (1) For the purposes of section 13A (3) of the Act, the prescribed fee is the fee specified in Schedule 1 with respect to an application for variation of an application for a licence.
- (2) For the purposes of section 13A (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) (Repealed)

#### **12 (Repealed)**

#### **13 Applications for variation of licence area (section 18)**

- (1) For the purposes of section 18 (3) of the Act, the prescribed fee is the fee specified in Schedule 1 with respect to an application for variation of a licence area.
- (2) For the purposes of section 18 (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) (Repealed)

#### **13A RTA to be served with notifications etc**

- (1) The Roads and Traffic Authority is prescribed as a public authority on whom

notifications or instruments (as the case may be) under sections 13 (4), 13A (8), 13B (3) and 18 (8) of the Act must be served.

(2) For the purposes of sections 13 (4), 13A (8) and 13B (3) of the Act, the prescribed period is 7 days commencing on the day 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), and
- (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), and
- (c) the instrument is served on the Minister, in the case of an instrument referred to in section 13B (3).

## **Division 2 – Plans to accompany applications for pipeline licences and variations**

### **14 Form of plans**

(1) A plan to which this Division applies must be drawn in accordance with the requirements of clauses 16, 19 and 20 of, and Schedule 5 to, the *Conveyancing (General) Regulation 2003*.

(2) In addition to the requirements of subclause (1), if a plan proposes a subdivision of land, it must meet the requirements of clause 39 of the *Conveyancing (General) Regulation 2003*.

(3) For the purposes of subclauses (1) and (2), a reference to a deposited plan in the provisions of the *Conveyancing (General) Regulation 2003* referred to in those subclauses is to be read as a reference to a plan to which this Division applies.

(4) In the plan, a statement in Form 14 relating to the easements to be acquired and identifying them by reference to the way in which they are identified on the plan must be printed in the panel provided on the plan sheet.

### **15 Instruments to accompany plans**

A plan to which this Division applies must be accompanied by an instrument, in Form 15, being an instrument that complies with the requirements of Schedule 2.

## **Part 4 – Design, construction, operation and maintenance of pipelines**

### **Division 1 – Standards and working practices**

#### **16 Design and construction of pipeline to accord with appropriate standards**

(1) A licensee must ensure that the design and construction of any pipeline operated under the licence are in accordance with the relevant provisions of the appropriate standard. Maximum penalty: 10 penalty units.

(2) In this clause, "**appropriate standard**" means:

- (a) in the case of pipelines for high-pressure gas and liquid petroleum-- *AS 2885.1*, or
- (b) in any other case-- *AS 2885.1* or a standard in respect of which an approval is in force under clause 17 in relation to the licensee concerned.

#### **17 Approval of standards**

(1) The Director-General may, on application by a licensee, approve a standard for the purposes of clause 16 (2) (b) in relation to that licensee.

(2) The Director-General may revoke an approval under this clause but only after having given the licensee concerned:

- (a) written notice of the Director-General's intention to revoke the approval, and
- (b) an opportunity to make submissions.

(3) 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.

## **18 Operations to be carried out in accordance with appropriate standards**

A licensee must ensure that any pipeline operated under the licence is operated and maintained in accordance with the relevant provisions of *AS 2885.3*.

Maximum penalty: 10 penalty units.

## **19 Alterations to pipeline**

(1) A licensee must not carry out any work involving the permanent alteration of a pipeline that is operated under the licence unless notice in writing of the proposed work has been given to the Director-General setting out a detailed description of the proposed work, including a schematic design (if relevant). Maximum penalty: 10 penalty units.

(2) After receiving a notice under subclause (1), the Director-General may require the licensee concerned to furnish further information on the proposed work.

(3) A licensee must comply with any requirement made of the licensee under subclause (2). Maximum penalty: 10 penalty units.

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

(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.

## **20 Alterations to pipelines in emergency**

A licensee who carries out work involving the permanent alteration, in an emergency situation, of a pipeline that is operated under the licence must give notice in writing of the work to the Director-General as soon as practicable after the completion of the work.

Maximum penalty: 10 penalty units.

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

(1) A licensee must, within 14 days after completing any work involving the permanent alteration of a pipeline, submit a report in writing to the Director-General 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 2 – (Repealed)**

## **Division 3 – Safety and operating plans**

### **25 Licensees to lodge and implement safety and operating plans**

(1) A licensee must, in accordance with this Division:

(a) lodge with the Director-General a safety and operating plan for its pipeline that complies with the requirements of this Division, and

(b) implement that plan.

Maximum penalty: 10 penalty units.

(2) The plan must be lodged within 6 months after the commencement of operation of a pipeline.

### **26 Matters to be included in safety and operating plans**

A safety and operating plan must comply with the relevant requirements of *AS 2885.3* in respect of such plans.

### **27 Nomination of persons to audit safety and operating plans**

(1) A licensee must give the Director-General a nomination in writing of a person as an auditor of the licensee's safety and operating plan at least one month before the person is first required to give a certificate in relation to the plan under this Division. Maximum

penalty: 10 penalty units.

(2) A person may not be nominated as an auditor under this clause unless the person is:

- (a) independent of the licensee, and
- (b) competent to exercise the functions of an auditor under this Regulation in respect of the licensee's safety and operating plan.

(3) If the Director-General advises a licensee in writing that a nomination is not accepted or is no longer acceptable, the nomination ceases to have effect for the purposes of this Regulation.

## **28 Initial audits of safety and operating plans**

(1) A safety and operating plan must, when lodged, be accompanied by a report on the plan from a nominated auditor that includes a certificate by the auditor that:

- (a) the plan complies with this Regulation, and
- (b) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
- (c) there are properly trained and equipped personnel available to implement the plan.

(2) The Director-General may, before the expiration of the period within which a safety and operating plan must be lodged by a licensee under clause 25, extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor indicating:

- (a) an audit has been carried out, and
- (b) any failure to comply with subclause (1) (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.

## **29 Periodical audits of safety and operating plans**

(1) A licensee must lodge with the Director-General in respect of its safety and operating plan a report on the plan from a nominated auditor that complies with subclause (2):

- (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 Director-General 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) the measures implemented to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are being maintained, and
- (b) there are properly trained and equipped personnel available to maintain the plan, and
- (c) the plan is adequate and appropriate having regard to any changes, since the previous audit certificate was issued, 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,

that impact on the integrity or reliability of the pipeline, and

- (d) any measures to rectify non-compliance with the plan detected in any previous audit have been undertaken and are effective.

(3) The Director-General may, before the expiration of a period within which a certificate must be lodged by a licensee under subclause (1), extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor

indicating:

- (a) an audit has been carried out, and
- (b) any failure to comply with the safety and operating plan, 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 Director-General 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.

### **30 Director-General may direct amendment of safety and operating plans**

(1) If the Director-General is of the opinion:

- (a) that a licensee's safety and operating plan will not produce a safe outcome, or
- (b) that its implementation has given rise to, or may give rise to, an unsafe situation,

the Director-General may, by order in writing, direct the licensee to amend the plan in such manner, and within such period of time, as is specified in the order.

(2) A licensee must comply with any direction under this clause and must furnish a copy of the amended safety and operating plan to the Director-General within 7 days after complying with the direction. Maximum penalty (subclause (2)): 10 penalty units.

### **31 Availability of safety and operating plans**

A licensee:

- (a) must cause a complete and up-to-date copy of its safety and operating plan (including any amendments required to be made to the plan under clause 30) to be kept at its principal office, and
- (b) must cause complete and up-to-date copies of the plan (including those amendments) to be made available to persons involved in the implementation of the plan and to the Director-General.

Maximum penalty: 10 penalty units.

### **32 Director-General may direct compliance with safety and operating plans**

(1) If the Director-General is of the opinion that a licensee is not:

- (a) complying with the requirements of its safety and operating plan or any codes, standards or specifications set out or referred to in that plan, or
- (b) following any procedures set out or referred to in that plan,

the Director-General may, by order in writing, direct the licensee to take such action, within such time, as is specified in the order to comply with those requirements, codes, standards or specifications or follow those procedures.

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

## **Division 4 – General**

### **33 Person-in-charge**

(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 Director-General 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 Director-General 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.

### **34 Disturbance of lands**

(1) A licensee must carry out all activities authorised by the licence in such a manner as not to 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.

### **35 Public thoroughfare**

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.

### **36 Damage by other persons**

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 5 – Reporting and inspection**

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

#### **37 Escape or ignition of substances**

(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 Director-General to be notified of the escape or ignition by facsimile transmission or by telephone. 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 Director-General 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 excused from

such compliance.

### **38 Reports of accidents**

(1) If a person is killed or injured by reason of an accident involving the construction, maintenance or operation of a pipeline, the licensee must cause written notice of that fact to be sent to the Director-General:

- (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, a description of 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 excused from such compliance.

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

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

A licensee must cause the Director-General to be notified immediately, by facsimile transmission or by telephone, 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 safety and operating plan, 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.

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

### **40 Routine reports**

A licensee must forward the following information, in writing, to the Director-General within 28 days after obtaining the information:

- (a) any review of the suitability of pressure-control and over-pressure protection systems carried out in accordance with *AS 2885.3*,
- (b) any investigation of the condition of a pipeline and any limits for its continued safe operation beyond its design life carried out in accordance with *AS 2885.3*,
- (c) the results of any testing of the integrity of the pipeline carried out as the result of a particular occurrence,
- (d) any periodic audit and assessment of a pipeline carried out in accordance with *AS 2885.3*,
- (e) the results of any planned emergency simulations.

Maximum penalty: 10 penalty units.

### **41 Annual report**

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

- (a) 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 2885.3*,
- (b) 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 2885.3*, 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 2885.3*, 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) A report provided by a licensee under this clause after the commencement of the *Pipelines Amendment Regulation 2007* is not required to include information in respect of a period if that information was included in an earlier report provided by the licensee under this clause.

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

#### **42 Five-yearly reports**

Every 5 years, within 28 days after the anniversary of the grant of a licence, the licensee must provide a report in writing to the Director-General that includes the following:

- (a) any review, investigation or test relating to the maximum allowable operating pressure of the pipeline and carried out in accordance with *AS 2885.3*,
- (b) any review of the classification of the locations along the pipeline carried out in accordance with that standard.

Maximum penalty: 10 penalty units.

## **Part 6 – Compensation**

### **43 Compensation (section 22A)**

(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.

## **Part 7 – Miscellaneous**

### **44 (Repealed)**

### **45 Application for directions as to conveyance of substances (section 23)**

For the purposes of section 23 (2) of the Act, the prescribed manner of making an application for a direction as to the conveyance of substances is by addressing it to the Director-General and lodging it at an office of the Department.

### **46 Marking of route of pipeline (section 27)**

- (1) For the purposes of section 27 of the Act, the prescribed manner in which the route of a pipeline must be marked is:
- (a) in the case of pipelines for high-pressure gas and liquid petroleum--in accordance with the relevant provisions of *AS 2885.1*, or
  - (b) in any other case--in accordance with subclauses (2)-(4).
- (2) The licensee 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:

- (i) runs alongside a highway, road or railway, or
- (ii) is on land other than land classified as Class R1 or equivalent in *AS 2885.3*,

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 2885.3*, 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.

(3) The 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 comply with the requirements of *AS 2885.1*.

(4) The licensee must maintain each sign so that, at all times, it is legible and is visible from the next adjacent signs.

#### **47 Damage and removal of signs**

(1) A person must not damage or remove a sign erected in accordance with section 27 of the Act. Maximum penalty: 10 penalty units.

(2) If a pipeline in respect of which signs have been erected in accordance with section 27 of the Act is removed, the licensee must also remove the signs. Maximum penalty: 10 penalty units.

#### **48 Licence fees: maximum annual fee per kilometre of pipeline (section 37)**

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.

#### **49 Application of Local Government Act 1993 to apparatus and works (section 40)**

The following apparatus and works are prescribed for the purposes of section 40 (1A) of the Act:

- (a) despatching and receiving terminals and stations,
- (b) on-line compressor and pumping stations,
- (c) meter and control stations,
- (d) scraper stations,
- (e) storage tanks,
- (f) maintenance depots.

#### **50 Applications for transfer of licence (section 42)**

For the purposes of section 42 (8) of the Act, the prescribed fee for registration of the transfer of a licence is the fee specified in Schedule 1 with respect to registration of a transfer.

#### **51 Application for registration of interest that has devolved by law (section 43)**

For the purposes of section 43 (2) of the Act, the prescribed fee for registration of a person as the holder of a licence is the fee specified with respect to registration in Schedule 1.

#### **52 Application for registration of instrument creating, assigning, affecting or dealing with an interest (section 45)**

For the purposes of section 45 (7) of the Act, the prescribed fee for registration of the approval of an instrument is the fee specified in Schedule 1 with respect to registration of an approval.

#### **53 Inspection of register and documents (section 50)**

For the purposes of section 50 (1) of the Act, the prescribed fee for inspection of the register and

registered instruments is the fee specified with respect to inspection in Schedule 1.

#### **54 Pipeline searches (section 50A)**

For the purposes of section 50A (2) (b) of the Act, the prescribed fee for an application for information is the fee specified with respect to such an application in Schedule 1.

#### **55 Evidentiary certificates (section 51)**

(1) For the purposes of section 51 (2) of the Act, the prescribed fee for the supply of copies of or extracts from the register, or of or from any instrument lodged with the Minister, is the fee specified with respect to an application for the supply in Schedule 1.

(2) For the purposes of section 51 (3) of the Act, the prescribed fee for a certificate under that subsection is the fee specified with respect to such a certificate in Schedule 1.

#### **56 Surveying of pipelines**

A survey carried out for the purposes of the Act must be carried out in accordance with the *Surveying Regulation 2001*.

#### **57 Savings and transitional**

(1) Any act, matter or thing that had effect under the *Pipelines Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

(2) Division 2 of Part 4 as in force immediately before its repeal by the *Pipelines Amendment Regulation 2006* continues in force, despite that repeal, with respect to the registered holder of a licence granted:

(a) before that repeal, or

(b) on or after that repeal if the licence relates to land in respect of which a permit is granted on or after that repeal pursuant to provisions continued in force by Part 3 of Schedule 1 to the Act.

(3) Despite clause 6 of Schedule 1 to the Act, the provisions of the Act as amended by the *Pipelines Amendment Act 2006* apply to and in respect of an application to which clause 6 (1) of that Schedule applies if:

(a) it is an application under section 18 or 30 (1) (e) of the Act, and

(b) the Minister is of the opinion that the granting of the application would be likely to significantly affect the environment.

## **Schedule 1 Fees**

(Clauses 4,10,11,13 and 50-55)

		\$
1	Application for authority to survey under section 5E of the Act (clause 4)	2,200
2	Application for licence under section 13 of the Act (clause 10)	2,640
3	Application under section 13A of the Act to vary application for licence (clause 11)	350
4	Application under section 18 of the Act for variation of licence area (clause 13)	50
5	Registration of transfer under section 42 of the Act (clause 50)	710
6	Registration as holder under section 43 of the Act (clause 51)	110
7	Registration of approval to an instrument creating	50

	etc a legal or equitable interest affecting an existing or future licence under section 45 of the Act (clause 52)	
8	Inspection of register and registered instruments under section 50 of the Act (clause 53)	10
9	Application for information under section 50A of the Act concerning any application made or granted for a licence in respect of land specified in the application (clause 54):	
	(a) pipeline search (non-expedited)	35
	(b) pipeline search (expedited)	53
	(c) search (other than a search referred to in paragraph (a) or (b))	18
10	Copies of or extracts from the register or of or from an instrument lodged with the Minister, certified by the Minister under section 51 of the Act (clause 55 (1))	\$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 under section 51 of the Act (clause 55 (2))	14

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

(Clause 15)

**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 18, 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 19.

## 12

The meanings of the expressions **"easement for pipeline"** and **"easement for access"** may be altered by the addition of provisos.

# Schedule 3 Forms

(Clause 3 (2))

**Forms 1-13 – (Repealed)**

**Form 14 – Statement of intention regarding easements**

(Clause 14)

**Statement of intention regarding easements**

*(Pipelines Act 1967)*

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

1 Easement

2 Easement

**Form 15 – Instrument to accompany plan**

(Clause 15)

**Instrument to accompany plan**

*(Pipelines Act 1967)*

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

Plan of pipeline from [date] to [date] 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 Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</i> )
1			
2			
3			
Etc			

	Part 3
Identities of easements referred to in abovementioned plan.	(Grouped by categories as prescribed by Schedule 2 (7) to the <i>Pipelines Regulation 2005</i> .)
1	
2	
3	
Etc	

	Part 4
Terms of easements referred to in Part 3.	(Set out the text of each easement as prescribed by Schedule 2 (8) to the <i>Pipelines Regulation 2005</i> .)
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 Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</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.

**Forms 16, 17 – (Repealed)**

**Form 18 – Easement for pipeline**  
(Schedule 2 (11) (a))

**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 19 – Easement for access**  
(Schedule 2 (11) (b))

**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.

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cll	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Pipelines Regulation 2005 (456)*. GG No 105 of 19.8.2005, p 4776. Date of commencement, 1.9.2005, cl 2. This Regulation has been amended as follows:

2005	No 98	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2005</i> . Assented to 24.11.2005. Date of commencement of Sch 2.46, assent, sec 2 (2).
2006	(576)	<i>Pipelines Amendment Regulation 2006</i> . GG No 116 of 15.9.2006, p 7980. Date of commencement, 15.9.2006, cl 2.
	No 120	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2006</i> . Assented to 4.12.2006. Date of commencement of Sch 2, assent, sec 2 (2).
2007	(509)	<i>Pipelines Amendment Regulation 2007</i> . GG No 146 of 12.10.2007, p 7742. Date of commencement, on gazettal.

### Table of amendments

Cl 3	Am 2006 (576), Sch 1 [1] [2]; 2007 (509), Sch 1 [1].
Cl 3A	Ins 2006 (576), Sch 1 [3].
Part 2, heading	Am 2006 (576), Sch 1 [4].
Cl 4	Subst 2006 (576), Sch 1 [5].
Cll 5-8	Rep 2006 (576), Sch 1 [6].
Cl 10	Subst 2006 (576), Sch 1 [7].
Cl 11	Am 2006 (576), Sch 1 [8] [9].
Cl 12	Rep 2006 (576), Sch 1 [10].
Cl 13	Am 2006 (576), Sch 1 [11] [12].
Cl 13A	Ins 2006 (576), Sch 1 [13].
Part 3, Div 2, heading	Am 2006 (576), Sch 1 [14].
Cl 16	Am 2006 No 120, Sch 2.71 [1].
Cl 18	Am 2006 No 120, Sch 2.71 [2].
Part 4, Div 2 (cll 22-24)	Rep 2006 (576), Sch 1 [15].
Cll 26, 40	Am 2006 No 120, Sch 2.71 [2].
Cl 41	Am 2006 No 120, Sch 2.71 [2]; 2007 (509), Sch 1

	[2] [3].
Cl 42	Am 2006 No 120, Sch 2.71 [2].
Cl 44	Rep 2006 (576), Sch 1 [16].
Cl 45	Subst 2006 (576), Sch 1 [17].
Cl 46	Am 2006 No 120, Sch 2.71 [1] [2]; 2007 (509), Sch 1 [4].
Cl 50	Subst 2006 (576), Sch 1 [18].
Cl 51	Am 2006 (576), Sch 1 [19].
Cl 52	Am 2006 (576), Sch 1 [20].
Cl 57	Am 2006 (576), Sch 1 [21].
Sch 1	Subst 2006 (576), Sch 1 [22].
Sch 3	Am 2005 No 98, Sch 2.46; 2006 (576), Sch 1 [23].