

Authorised Version No. 001
Pipelines Regulations 2017

S.R. No. 9/2017

Authorised Version as at
26 March 2017

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to prescribe information required in the pre-licence and licence application processes; and
- (b) to prescribe conditions that apply to licences; and
- (c) to prescribe the contents of a decommissioning plan; and
- (d) to provide for the reporting of safety and environmental incidents in relation to pipeline operations; and
- (e) to prescribe standards for the construction and operation of pipelines; and
- (f) to prescribe matters to be contained in Safety Management Plans; and
- (g) to prescribe matters to be contained in Environment Management Plans; and
- (h) to prescribe infringement offences and penalties; and
- (i) to prescribe various forms, fees and procedures authorised by the **Pipelines Act 2005**.

2 Authorising provision

These Regulations are made under section 190 of the **Pipelines Act 2005**.

3 Commencement

These Regulations come into operation on 26 March 2017.

4 Revocation

The Pipelines Regulations 2007¹ are **revoked**.

5 Definitions

In these Regulations—

AS 2885.1—2012 means AS 2885.1: Pipelines—Gas and liquid petroleum Part 1: Design and construction as published and amended from time to time;

AS 2885.3—2012 means AS 2885.3: Pipelines—Gas and liquid petroleum Part 3: Operation and maintenance as published and amended from time to time;

Australian Business Number means an Australian Business Number issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;

non-reportable environmental incident means an incident that has an impact on the environment (other than a reportable environmental incident) arising out of a pipeline operation;

non-reportable safety incident means an incident involving a risk to the safety of the public (other than a reportable safety incident) arising out of a pipeline operation;

relevant entity means—

- (a) an authority of the Commonwealth that has responsibilities for protecting the environment; or
- (b) an authority of the State that has responsibilities for protecting the environment; or
- (c) any other body, the principal objects of which are the protection of the environment; or
- (d) any other body or person affected by the pipeline operation;

reportable environmental incident means an incident arising out of a pipeline operation—

- (a) that causes substantial damage to the environment; or
- (b) that has significant potential impact on the environment;

reportable safety incident means an incident arising out of a pipeline operation that causes or has the potential to cause—

- (a) any person to suffer a serious injury or to die; or
- (b) substantial damage to, or destruction of, property or the pipeline; or
- (c) an ignition or escape of anything being conveyed in a pipeline;

safety incident means an incident involving a risk to the safety of the public;

the Act means the **Pipelines Act 2005**.

Part 2—Pre-licence process

6 Notice of intention to enter land for survey

For the purposes of section 19(2) of the Act, a notice of intention to enter land for the purpose of a survey must contain the following prescribed information—

- (a) the name and address of the proponent of the proposed pipeline;
- (b) if the notice relates to private land, the name and address of the owner or occupier of the land (as the case requires);
- (c) if the notice relates to Crown land—
 - (i) the name of the Crown Land Minister;
or
 - (ii) the name and address of any occupier;
- (d) details of the proposed survey;
- (e) the intended use of the proposed pipeline;
- (f) the name and address of the person or body engaged to carry out the survey of the proposed pipeline;
- (g) a map of the pipeline corridor or proposed route of the pipeline over the land that shows the following—
 - (i) the relevant part of the land over which the survey is proposed to be made;
 - (ii) in the case of private land, the location of that land including the allotment and section numbers, parish and municipal names and the boundaries of adjacent lands relating to the proposed survey;
 - (iii) in the case of Crown land, sufficient particulars to identify the land.

7 Notice of pipeline corridor

For the purposes of section 27(2)(a) of the Act, the prescribed form for giving notice of the proposed pipeline to the owners and occupiers of land in a pipeline corridor is set out in Schedule 1.

Part 3—Pipeline licence process

8 Application to contain certain information

- (1) For the purposes of section 30(c) of the Act, an application for a licence to construct and operate a pipeline—
 - (a) must contain the following prescribed matters—
 - (i) the Australian Business Number of the applicant;
 - (ii) the telephone number, fax number and email address of the applicant;
 - (iii) the commencement and termination points of the pipeline corridor and the proposed route of the pipeline;
 - (iv) the length of the pipeline;
 - (v) the proposed maximum allowable operating pressure of the pipeline;
 - (vi) the proposed dates for commencement and completion of construction of the pipeline;
 - (vii) identification of the environmental, social and safety impacts arising from the proposed pipeline and pipeline operation, based on the surrounding current land uses and reasonably foreseeable future land uses;
 - (viii) outline of the measures to be undertaken to control, mitigate and manage identified impacts arising from the proposed pipeline and pipeline operation;

- (ix) details of alternative pipeline routes considered by the applicant and reasons for selecting the proposed pipeline route in accordance with AS 2885.1—2012;
 - (x) a comparison of the environmental, social and safety impacts arising from each of the alternative pipeline routes set out in subparagraph (ix) and the proposed pipeline;
 - (xi) details of land ownership and title details (if applicable) for the land through which the proposed pipeline route or corridor is to be constructed;
 - (xii) plans and design specifications of the proposed pipeline including metering stations, aboveground and underground facilities; and
- (b) must be signed by the applicant.
- (2) For the purposes of section 30(d) of the Act, a map showing the pipeline corridor must be drawn to the prescribed scale of not less than 1:250 000.

9 Application fee

For the purposes of section 30(e) of the Act, the prescribed application fee for a licence to construct and operate a pipeline is the relevant fee specified in Table 1 of Schedule 2.

10 Notice of application for a licence

For the purposes of section 32(2)(a) of the Act, a notice of the application for a licence must contain the following prescribed information—

- (a) the business name, Australian Business Number, business address and postal address of the applicant;

- (b) the business contact details of the applicant including the name of a nominated contact person for enquiries regarding the application and the contact person's telephone number and fax number;
- (c) the date on which the licence application was made;
- (d) the particulars of the proposed pipeline including—
 - (i) the use to which the proposed pipeline will be put; and
 - (ii) the anticipated dates of commencement and completion of construction of the pipeline;
- (e) a written description and a map of the pipeline corridor and the proposed route of the pipeline.

11 Conditions of a licence

- (1) For the purposes of section 54(1)(a) of the Act, a licence granted under section 53(1) of the Act is subject to the following prescribed terms and conditions—
 - (a) the licensee must, as soon as practicable after the construction of the pipeline, lodge with the Minister and Energy Safe Victoria—
 - (i) 2 hard copies and an electronic copy of a map that—
 - (A) shows the route of the pipeline as constructed; and
 - (B) identifies the commencement and termination points of the pipeline; and

- (C) includes details of the land through which the pipeline is laid; and
 - (ii) 2 hard copies and an electronic copy of alignment drawings of the constructed pipeline;
 - (b) the licensee must provide a report to the Minister and Energy Safe Victoria within 90 days of the end of each financial year on the performance of the licensee in protecting the environment from the pipeline operations;
 - (c) the licensee must provide a report to the Minister and Energy Safe Victoria within 90 days of the end of each financial year on the performance of the licensee in maintaining the safety and integrity of the pipeline;
 - (d) the licensee must notify the Minister and Energy Safe Victoria in writing in a form approved by the Minister if the licensee intends to cease to convey substances through the pipeline, otherwise than in the course of the normal operating procedure of the pipeline, and does not intend to decommission the pipeline or part of the pipeline under Division 8A of Part 5 of the Act.
- (2) A notice under subregulation (1)(d) must—
- (a) state the intention to cease to convey substances through the pipeline; and
 - (b) state the period of the proposed cessation; and

- (c) set out the means by which the licensee will comply with any standards, specifications and conditions that apply to the pipeline operation, during the cessation period.

12 Licence fee

For the purposes of section 57(b) of the Act, the prescribed fee is nil.

13 Application to amend a licence condition

- (1) For the purposes of section 63(2)(b) of the Act, an application to amend the conditions of a licence must be made in the following prescribed manner—
 - (a) the application must contain the following information—
 - (i) the licence number;
 - (ii) the name of the licensee;
 - (iii) the Australian Business Number of the licensee;
 - (iv) the registered business address and postal address of the licensee;
 - (v) the telephone number, fax number and email address of the licensee;
 - (b) the application must—
 - (i) be accompanied by information to demonstrate that the pipeline will be fit for operation under the licence as proposed to be amended; and
 - (ii) be signed by the licensee.
- (2) For the purposes of section 63(2)(e) of the Act, the prescribed fee for an application to amend the conditions of a licence is the relevant fee specified in Table 2 of Schedule 2.

14 Alteration of pipeline route—minor or significant

- (1) An application under section 66 of the Act must be accompanied by the relevant fee specified in Table 3 of Schedule 2.
- (2) An application under section 68(1) of the Act must be accompanied by the relevant fee specified in Table 3 of Schedule 2.
- (3) For the purposes of section 68(3A)(a) of the Act, the prescribed form of notice of a proposed alteration to the authorised route of a pipeline is set out in Schedule 3.

15 Form of application for consolidation of licences

For the purposes of section 74 of the Act, the prescribed form for an application under section 73 of the Act is set out in Schedule 4.

16 Fee for application for consolidation of licences

For the purposes of section 74(d) of the Act, the prescribed fee for an application under section 73 of the Act is the relevant fee specified in Table 2 of Schedule 2.

17 Decommissioning plans

- (1) For the purposes of sections 80(4), 82(2) and 82A(3)(a)(ii) of the Act, a decommissioning plan must set out and include the following prescribed information—
 - (a) the performance objectives and standards for the decommissioning works;
 - (b) a description of the decommissioning works, and in the case of part decommissioning, a map showing the part of the pipeline that is proposed for decommissioning;
 - (c) the proposed timetable for the decommissioning works to be completed;

- (d) an assessment of technical feasibility of the decommissioning works;
 - (e) an assessment of the safety of the decommissioning works;
 - (f) an assessment of any detrimental impacts from the decommissioning works on land (including on current land uses and reasonably foreseeable future land uses) and the environment, and identification of measures to control, mitigate and manage these impacts;
 - (g) the impacts from the decommissioning works on affected landholders;
 - (h) details of any proposed consultation about the decommissioning works with affected landholders and other interested parties;
 - (i) the methods to be used to ensure that the pipeline or part of the pipeline to be decommissioned will be decommissioned in accordance with AS 2885.3—2012;
 - (j) details of the rehabilitation and monitoring of the land through which the pipeline is laid proposed to be carried out before the decommissioning of the pipeline;
 - (k) if the whole or part of the pipeline is not to be removed, details about the location of the pipeline or the part of the pipeline that is not to be removed.
- (2) A decommissioning plan lodged under section 80(3) of the Act must be accompanied by the relevant fee specified in Table 4 of Schedule 2.

- (3) A decommissioning plan submitted under section 82(2) of the Act must be accompanied by the relevant fee specified in Table 4 of Schedule 2.
- (4) A decommissioning plan prepared under section 82A(3)(a)(ii) of the Act must be accompanied by the relevant fee specified in Table 4 of Schedule 2.

Part 4—Access to land for pipeline

18 Form of notice for Registrar of Titles

For the purposes of section 92(1)(a) of the Act, the prescribed form of the notice to be given to the Registrar of Titles is set out in Schedule 5.

19 Fee for lodging notice with Registrar of Titles

For the purposes of section 92(1)(b) of the Act, the prescribed fee to be paid to the Registrar of Titles is the relevant fee specified in Table 2 of Schedule 2.

Part 5—Construction and operation of pipelines

20 Incident reporting

- (1) A licensee must notify the Minister and Energy Safe Victoria of a reportable environmental incident or a reportable safety incident in accordance with subregulation (2).

Penalty: 20 penalty units.

- (2) A notification under subregulation (1) must—
- (a) be in writing and given as soon as practicable but no later than 2 hours—
 - (i) after the incident occurs; or
 - (ii) if the licensee is not initially aware of the incident, after the licensee becomes aware of the incident; and
 - (b) include the following information—
 - (i) the date, time and location of the incident;
 - (ii) a description of the incident;
 - (iii) any known or suspected cause of the incident;
 - (iv) whether any emergency service attended the incident and, if so, the name and contact details of the emergency controller.
- (3) After receiving a notification under subregulation (1), the Minister and Energy Safe Victoria may require the licensee to provide further information regarding the incident.

- (4) A licensee must, as soon as practicable but not later than 7 days (or a longer period as agreed by the Minister or Energy Safe Victoria) after the occurrence of a reportable environmental incident or a reportable safety incident, submit a written report to the Minister and Energy Safe Victoria that includes the following information—
- (a) the date, time and location of the incident;
 - (b) a description of the incident;
 - (c) details of any known or suspected causes of the incident;
 - (d) details of any corrective action that has been taken, or is proposed to be taken, to prevent a similar incident;
 - (e) in the case of an escape or ignition of anything in the pipeline, a description of—
 - (i) the nature and approximate quantity of the thing that escaped, or escaped and ignited; and
 - (ii) any damage resulting from the escape or ignition; and
 - (iii) the methods adopted to carry out repairs.
- Penalty: 20 penalty units.
- (5) A licensee must keep a record of all reportable environmental incidents and reportable safety incidents that occur during the pipeline operation.
- Penalty: 20 penalty units.
- (6) This regulation does not apply to a reportable safety incident in respect of a pipeline to which the **Gas Safety Act 1997** applies.

21 Interference with incident site

- (1) A person must not interfere with the location of a reportable environmental incident or a reportable safety incident during an investigation of a reportable environmental incident or a reportable safety incident by a person or body referred to in subregulation (3) without the consent of that person or body.

Penalty: 20 penalty units.

- (2) Despite subregulation (1), a person may interfere with the location of a reportable environmental incident or a reportable safety incident where it is necessary—
 - (a) to provide immediate assistance to any person injured as a result of the incident; or
 - (b) to recover the body of any person killed as a result of the incident; or
 - (c) for the immediate protection of persons, property or the environment.
- (3) This regulation does not prohibit any investigation of a reportable environmental incident or a reportable safety incident by—
 - (a) a police officer; or
 - (b) Energy Safe Victoria; or
 - (c) an authority referred to in section 116(c) of the Act.

22 Construction and operation standards

- (1) For the purposes of section 100(1)(a) of the Act, a pipeline must be constructed in accordance with the prescribed standard AS 2885.1—2012.
- (2) For the purposes of section 109(a) of the Act, a pipeline must be operated in accordance with the prescribed standard AS 2885.3—2012.

23 Surveillance reporting

- (1) The licensee must—
- (a) keep a written report of each inspection of the pipeline undertaken in accordance with AS 2885.3—2012; and
 - (b) submit those reports to the Minister or Energy Safe Victoria on request.
- Penalty: 20 penalty units.
- (2) This regulation does not apply to a pipeline to which the **Gas Safety Act 1997** applies.

24 Annual pipeline operation fee

For the purposes of section 110(1) of the Act, the prescribed pipeline operation fee is nil.

25 Safety and environmental risk assessment for application to use pipeline for conveyance of other thing

For the purposes of section 113(2)(d) of the Act, an assessment of the potential risks to safety and the environment of a proposal to use a pipeline to convey a thing other than the thing authorised by the licence must—

- (a) describe the methodology used and investigations undertaken for the assessment; and
- (b) identify all potential hazards arising from the proposed other use of the pipeline; and
- (c) include a detailed assessment of the risk associated with each of the hazards identified in paragraph (b); and
- (d) include a description of measures undertaken, or to be undertaken, to eliminate or minimise as far as reasonably practicable the identified risks.

26 Fee for application to use pipeline to convey other thing

For the purposes of section 113(2)(f) of the Act, the prescribed fee is the relevant fee specified in Table 2 of Schedule 2.

27 Fee for application for Ministerial direction under section 122

For the purposes of section 122(3) of the Act, the prescribed fee is the relevant fee specified in Table 2 of Schedule 2.

28 Fee for application for approval of access to a pipeline easement

For the purposes of section 123(2) of the Act, the prescribed fee is the relevant fee specified in Table 2 of Schedule 2.

Part 6—Safety Management Plans

Division 1—Content of Safety Management Plan

29 Performance standards

In this Part, a performance standard in relation to a pipeline operation must specify—

- (a) who is responsible for carrying out the operation; and
- (b) what has to be done in the performance of the operation; and
- (c) when the operation has to be performed; and
- (d) the expected outcomes of the operation.

30 Matters to be included in Safety Management Plans

For the purposes of section 126(1)(c) of the Act, the prescribed matters to be included in a Safety Management Plan are set out in this Part.

31 Contact details

The Safety Management Plan must contain—

- (a) the name, business address and telephone number of the licensee; and
- (b) the name, position title, email address and mobile number of the person who is responsible for the preparation, submission and review of the Safety Management Plan.

32 Description of pipeline

- (1) The Safety Management Plan must contain a description of the pipeline with sufficient information—
 - (a) to show the technical details of the pipeline; and

- (b) to show how the licensee intends to ensure safety and maintain the integrity of the pipeline operation; and
 - (c) to enable an assessment of the risks to the safety of the public from the pipeline operation to be undertaken.
- (2) In this regulation *technical details* includes—
- (a) design specifications and drawings; and
 - (b) construction materials; and
 - (c) details of function and operation.

33 Safety assessment

The Safety Management Plan must contain a safety assessment of the pipeline operation that—

- (a) is consistent with the description of the pipeline under regulation 32; and
- (b) describes the methodology used and investigations undertaken for the safety assessment; and
- (c) identifies all of the hazards and risks arising from the pipeline operation that have the potential to cause a reportable or non-reportable safety incident; and
- (d) contains a detailed assessment of those risks; and
- (e) describes the systems, practices and procedures undertaken, or proposed to be undertaken, to eliminate or minimise those risks as far as reasonably practicable.

34 Emergency response plan

- (1) The Safety Management Plan must provide for the establishment and maintenance of an emergency response plan that—
 - (a) identifies all potential emergency situations that may arise in relation to the pipeline operation; and
 - (b) identifies and assesses the risks to safety of the public and employees and contractors arising from the potential emergency situations identified in paragraph (a); and
 - (c) includes detailed response arrangements to eliminate or minimise as part of practice the risks identified in paragraph (b).
- (2) The Safety Management Plan must include procedures to ensure that the response arrangements in the emergency response plan are tested—
 - (a) when the response arrangements are introduced; and
 - (b) when the response arrangements are significantly amended; and
 - (c) not later than 12 months after the most recent test.

35 Safety management system

- (1) The Safety Management Plan must specify a safety management system followed or to be followed in relation to the pipeline operation.
- (2) The safety management system must contain the information specified in Division 2.

Division 2—Content of safety management system

36 Safety policy, systems and procedures

The safety management system must specify the licensee's safety policy and the systems and procedures to be used to ensure that the licensee meets the licensee's duties under section 124 of the Act.

37 Organisational structure and responsibilities

The safety management system must specify the responsibilities, accountabilities and authority levels of personnel with respect to the various aspects of the pipeline operation.

38 Incident recording, investigation and reviewing

The safety management system must specify—

- (a) how reportable and non-reportable safety incidents are to be recorded and investigated; and
- (b) the management systems to be used for reviewing and taking action on information that is recorded or identified by an investigation to improve the safety of the pipeline operation.

39 Work and staffing systems

- (1) The safety management system must specify the work and staffing systems to be used for the pipeline operation to ensure, as far as reasonably practicable, that—
 - (a) each area of safety-critical work in relation to the pipeline operation is assessed to identify the minimum skills, knowledge and experience requirements for a person assigned to carry out that work; and

- (b) only persons with the skills, knowledge and experience appropriate to an area of safety-critical work are assigned to carry out that work; and
 - (c) any training necessary for persons assigned to carry out safety-critical work is provided; and
 - (d) a permit to work system, as set out in subregulation (2), is to be followed for any safety-critical work carried out in relation to the pipeline operation.
- (2) A permit to work system must—
- (a) prohibit any person from performing safety-critical work without a written permit to work issued by a person authorised by the licensee to issue that permit; and
 - (b) specify by position the persons who are authorised to issue a permit to work and to supervise that work; and
 - (c) ensure that persons responsible for the issuing of permits to work and persons carrying out safety-critical work under a permit to work are competent and are provided with appropriate training, procedures, tools, equipment and emergency support.
- (3) In this regulation, *safety-critical work* means work which affects or may affect the safety of the pipeline operation.

40 Compliance management

The safety management system must—

- (a) specify procedures for identifying, collecting and analysing a pipeline's operational, maintenance and integrity

- data to identify trends in a pipeline's operation and performance; and
- (b) specify procedures for planning and implementing audits of the safety management system to determine compliance with this regulation; and
 - (c) specify procedures for regular management review of the effectiveness and appropriateness of the safety management system; and
 - (d) specify procedures for managing changes to the procedures, pipeline design and operation.

Division 3—Records and reporting

41 Records

The Safety Management Plan must contain details of arrangements to record and keep—

- (a) information about the licensee's performance in ensuring the safety of the public, employees and contractors; and
- (b) details of all reportable and non-reportable safety incidents, including emergency situations; and
- (c) details of the emergency response testing undertaken, in accordance with the requirements of regulation 34; and
- (d) in the case of any emergency situation, information on the effectiveness of the emergency response plan in eliminating or minimising, as far as reasonably practicable, risks to the safety of the public, employees and contractors.

42 Reporting

For the purposes of reporting to the Minister under regulation 11(1)(c), the Safety Management Plan must contain details of arrangements for reporting on the licensee's performance in ensuring the safety of the public, employees and contractors.

Part 7—Environment Management Plans

43 General

- (1) For the purposes of section 133(1)(c) of the Act, the prescribed matters to be included in an Environment Management Plan are set out in this Part.
- (2) An Environment Management Plan given to the Minister under section 133 of the Act must be accompanied by the relevant fee specified in Table 5 of Schedule 2.

44 Description of pipeline operation and environment

The Environment Management Plan must—

- (a) describe the pipeline operation, including details and timing of activities involved in the construction and ongoing operation of the pipeline; and
- (b) describe the existing environment that may be affected by the pipeline operation; and
- (c) identify the particular relevant values and sensitivities (if any) of that environment.

45 Description of environmental risks

The Environment Management Plan must—

- (a) identify the risks to the environment arising directly or indirectly from the pipeline operation; and
- (b) assess the environmental risks identified under paragraph (a).

46 Environmental performance objectives and standards

The Environment Management Plan must contain—

- (a) environmental performance objectives and standards, against which the performance by the licensee to eliminate or minimise the risks identified in accordance with regulation 45 so far as reasonably practicable are to be measured, that address—
 - (i) the environmental legislative requirements that apply to carrying out the pipeline operation; and
 - (ii) any other environmental requirements that the licensee intends to comply with in carrying out the pipeline operation; and
- (b) a list of the environmental legislative requirements and any other non-legislative requirements referred to in paragraph (a); and
- (c) a statement of the licensee's environmental policy.

47 Consultation

The Environment Management Plan must contain a report on all consultation carried out between the licensee and all relevant entities in the course of developing the Environment Management Plan.

48 Implementation strategy

- (1) The Environment Management Plan must contain an implementation strategy for the pipeline operation.

- (2) The implementation strategy must specify the systems, practices and procedures to be used to ensure that—
 - (a) any environmental risks identified in accordance with regulation 45(a) are eliminated or minimised so far as reasonably practicable; and
 - (b) the environmental performance objectives and standards specified in accordance with regulation 46(a) are met.
- (3) The implementation strategy must include measures to enable assessment of the effectiveness of the systems, practices and procedures in subregulation (2).
- (4) The implementation strategy must provide for—
 - (a) monitoring, auditing and management of compliance with the requirements of subregulation (2); and
 - (b) assessment by the licensee of the licensee's performance in relation to compliance with the requirements of subregulation (2); and
 - (c) the keeping of quantitative records of emissions and discharges of substances from the pipeline.
- (5) The implementation strategy must provide for the establishment and maintenance of an emergency response plan that—
 - (a) identifies all potential emergency situations that may arise in relation to the pipeline operation; and
 - (b) identifies and assesses the environmental risks arising from the potential emergency situations identified in paragraph (a); and

- (c) includes response arrangements for minimising any harm to the environment arising from potential emergency situations identified in paragraph (a).
- (6) The implementation strategy must include procedures to ensure that the response arrangements in the emergency response plan are tested—
 - (a) when the response arrangements are introduced; and
 - (b) when the response arrangements are significantly amended; and
 - (c) not later than 12 months after the most recent test.
- (7) The implementation strategy must include arrangements for consultation by the licensee with all relevant entities in relation to the pipeline operation and the licensee's performance in protecting the environment, during the life of the pipeline operation.
- (8) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the Environment Management Plan.

49 Records

The Environment Management Plan must contain details of arrangements to record and keep—

- (a) information about the systems, practices and procedures that the licensee has adopted to meet the obligations in the Environment Management Plan; and
 - (b) information about the licensee's performance in relation to compliance with regulation 11(1)(b); and
-

- (c) details of all reportable and non-reportable environmental incidents, including emergency situations; and
- (d) details of the emergency response testing undertaken in accordance with the requirements of regulation 48(6); and
- (e) in the case of any emergency situation, information on the effectiveness of the emergency response plan in eliminating or minimising as far as reasonably practicable any harm to the environment.

50 Reporting

For the purposes of reporting to the Minister under regulation 11(1)(b), the Environment Management Plan must contain details of arrangements for reporting on the licensee's performance in protecting the environment from the pipeline operation.

Part 8—Infringements

51 Prescribed infringement offences and infringement penalties

- (1) For the purposes of section 183A(1) of the Act, an offence specified in column 2 of Schedule 6 is prescribed as an infringement offence.
- (2) For the purposes of section 183A(3) of the Act, the prescribed infringement penalty for an offence referred to in subregulation (1) is the infringement penalty in column 3 of Schedule 6 set out opposite the relevant infringement offence.

Part 9—Administrative

52 Fee for access to registered information

- (1) For the purposes of section 188(1) of the Act, the prescribed fee for access to the Pipelines Register on any day is nil.
- (2) For the purposes of section 188(1) of the Act, the prescribed fee for each page of information provided from the Pipelines Register is nil.

Schedules

Schedule 1—Notice under section 27 of the Pipelines Act 2005 to owners and occupiers of land in a pipeline corridor

Regulation 7

Pipelines Act 2005

Pipelines Regulations 2017

To: *[insert name and address of person(s) who owns or occupies land in the pipeline corridor (see Note 1)]*

I *[name of proponent]* am considering applying for a licence to construct and operate a pipeline over the following land:

[insert a description of the land (including, if appropriate, a sketch showing the relevant part of the land) and title particulars]

A copy of a plan showing the pipeline corridor is attached to this Notice.
[attach copy of a plan drawn to an appropriate scale showing the pipeline corridor]

The proposed pipeline is: *[insert a description of the purpose of the proposed pipeline, e.g. to convey high pressure gas between A and B]*

*Information regarding the proposed pipeline, including the processes that will be followed for obtaining required approvals and details of how *[insert name of proponent]* proposes to consult with you is also attached.

*Information regarding the proposed pipeline, including the processes that will be followed for obtaining required approvals and details of how *[insert name of proponent]* proposes to consult with you was given to you with the notice of intention to enter land for survey issued on: *[insert date that written notice of intention to enter land for survey was given to owner or occupier under section 19 of the Act]*

*[*delete the statement that does not apply]*

Signature of the proponent:

Date:

Note 1

A pipeline corridor is a corridor of land within which a pipeline is proposed to be constructed under the **Pipelines Act 2005**. The final route of the proposed pipeline within the corridor is subject to consultation and approval under the **Pipelines Act 2005**.

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Note 2

Under section 27(3) of the **Pipelines Act 2005** this Notice lapses after 12 months from the date of this Notice, unless the Minister administering that Act, extends that period in writing.

Schedule 2—Fees

Regulations 9, 13, 14, 16, 17, 19, 26–28 and 43

Table 1—Application for pipeline licence

<i>Column 1</i> <i>Item no.</i>	<i>Column 2</i> <i>Type of application</i>	<i>Column 3</i> <i>Fee units</i>
1	Application for pipeline licence 0–10 km Environment Effects Statement required	2374·77
2	Application for pipeline licence 10–100 km Environment Effects Statement required	3051·70
3	Application for pipeline licence >100 km Environment Effects Statement required	3551·07
4	Application for pipeline licence 0–10 km No Environment Effects Statement required	948·80
5	Application for pipeline licence 10–100 km No Environment Effects Statement required	1276·16
6	Application for pipeline licence >100 km No Environment Effects Statement required	1553·59

Table 2—Application for pipeline licence amendments

<i>Column 1</i> <i>Item no.</i>	<i>Column 2</i> <i>Type of application</i>	<i>Column 3</i> <i>Fee units</i>
1	Application to amend licence condition	149·81
2	Application to consolidate licences	349·56
3	Application to lodge notice with Registrar of Titles	55·49
4	Application to convey other thing	166·46
5	Application for Ministerial direction to share pipeline	166·46
6	Application to access easement	166·46

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Table 3—Application for pipeline licence—alteration to authorised route

<i>Column 1</i> Item no.	<i>Column 2</i> Type of application	<i>Column 3</i> Fee units
1	Application for minor alteration to authorised route	377.30
2	Application for significant alteration to authorised route	1387.13

Table 4—Decommissioning plans

<i>Column 1</i> Item no.	<i>Column 2</i> Type of application	<i>Column 3</i> Fee units
1	Decommissioning plan 0–10 km	454.98
2	Decommissioning plan 10–100 km	1470.36
3	Decommissioning plan >100 km	2996.21
4	Part decommissioning plan 0–10 km	454.98
5	Part decommissioning plan 10–100 km	1470.36
6	Part decommissioning plan >100 km	2996.21

Table 5—Environment Management Plans

<i>Column 1</i> Item no.	<i>Column 2</i> Type of application	<i>Column 3</i> Fee units
1	Environment Management Plan 0–10 km	454.98
2	Environment Management Plan 10–100 km	1470.36
3	Environment Management Plan >100 km	2996.21

**Schedule 3—Notice under section 68(3)(b)
of the Pipelines Act 2005 to owners and
occupiers of land affected by proposed
alteration of pipeline route**

Regulation 14

Pipelines Act 2005

Pipelines Regulations 2017

To: *[insert name and address of person(s) who owns or occupies land affected by the proposed alteration to the authorised route of a pipeline]*

I *[name of licensee]* am considering applying to alter the authorised route of the pipeline under Pipeline Licence *[insert Pipeline Licence number]* over the following land:

[insert a description of the land (including, if appropriate, a sketch showing the relevant part of the land) and title particulars]

The proposed alteration is to:

[insert a description of the proposed alteration]

A copy of a plan showing the proposed alteration to the authorised route of the pipeline is attached to this Notice. *[attach copy of a plan drawn to an appropriate scale showing the proposed alteration]*

*Information regarding the proposed alteration to the authorised route of the pipeline, including information on activities to be undertaken for the purpose of any survey, how potential adverse impacts of the construction and operation of the proposed alteration will be managed, and procedures to permit the construction and operation of the proposed alteration, including any compulsory acquisition of land.

*A statement advising that land owners and occupiers may seek independent legal advice and setting out contact information for the Department of Economic Development, Jobs, Transport and Resources.

*[*Where the Minister has required the preparation of a consultation plan for the proposed alteration, under section 68(3)(a) of the Pipelines Act 2005, the information regarding the proposed alteration and the statement may be provided as part of the approved consultation information.]*

Signature of the licensee:

Date:

Schedule 4—Application under section 73 of the Pipelines Act 2005 to consolidate licences

Regulation 15

Pipelines Act 2005

Pipelines Regulations 2017

To: Minister administering the **Pipelines Act 2005**

I, [*insert name of licensee including Australian Business Number*], apply under section 73 of the **Pipelines Act 2005** for the amendment of Pipeline Licence number [*insert Pipeline Licence number*] (the ongoing licence) to consolidate it with the whole or part of the following Pipeline Licence number/s [*insert Pipeline Licence numbers*] and submit the following particulars:

The pipelines are described as follows:

[*insert a brief description of the use of each pipeline and of each pipeline route*]

A copy of a map showing each pipeline route is attached to this application.

The reasons for this application to consolidate pipeline licences are:

[*insert reasons for the application*]

Address of the applicant or registered business address if the applicant is a company:

Postal address of the applicant:

Telephone number of the applicant:

Fax number of the applicant:

Email address of the applicant:

*An additional length of authorised route of the pipeline is required.

[*Provide details of additional length*]

[*Insert any other amendments of the licence required for the purposes of consolidation*]

Signature of the licensee:

Date:

*Delete if inapplicable

**Schedule 5—Notice to Registrar of Titles
of notice of application to the Minister
for consent to compulsorily acquire
an easement over private land**

Regulation 18

Pipelines Act 2005

Pipelines Regulations 2017

To: The Registrar of Titles

From: Proponent/Applicant/Licensee*

[insert full name and address including postcode]

In accordance with section 92(1) of the **Pipelines Act 2005**, I give notice that I have given notice to the owner of the land described below under section 91 of that Act of an application under section 90 of that Act to the Minister for consent to compulsorily acquire an easement over that land on *[insert date notice given under section 91]*. A copy of the notice under section 91 is attached to this Notice.

Details of land:

[insert volume and folio reference]

Address for service to proponent/applicant/licensee*:

Signature of the proponent/applicant/licensee*:

Date:

**delete whichever does not apply*

Schedule 6—Infringement offences and infringement penalties

Regulation 51

<i>Item no.</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
1	An offence against section 106(b) of the Act	5 penalty units (natural person) 20 penalty units (body corporate)
2	An offence against section 107(1) of the Act	5 penalty units (natural person) 12 penalty units (body corporate)
3	An offence against section 107(2) of the Act	5 penalty units (natural person) 12 penalty units (body corporate)
4	An offence against section 111(a) of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
5	An offence against section 111(b) of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
6	An offence against section 114(3) of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
7	An offence against section 117(b) of the Act	5 penalty units (natural person) 20 penalty units (body corporate)
8	An offence against section 118 of the Act	10 penalty units (natural person) 50 penalty units (body corporate)
9	An offence against section 120(1) of the Act	10 penalty units (natural person) 50 penalty units (body corporate)
10	An offence against section 127 of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
11	An offence against section 132 of the Act	5 penalty units (natural person) 20 penalty units (body corporate)
12	An offence against section 134 of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
13	An offence against section 139 of the Act	5 penalty units (natural person) 20 penalty units (body corporate)

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<i>Item no.</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
14	An offence against section 179 of the Act	12 penalty units (natural person) 60 penalty units (body corporate)
15	An offence against regulation 20(4)	2 penalty units

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Pipelines Regulations 2017, S.R. No. 9/2017 were made on 15 March 2017 by the Governor in Council under section 190 of the **Pipelines Act 2005**, No. 61/2005 and came into operation on 26 March 2017: regulation 3.

The Pipelines Regulations 2017 will sunset 10 years after the day of making on 15 March 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Pipelines Regulations 2017 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 15/2007 as amended by S.R. Nos 42/2012 and 97/2015.

Table of Applied, Adopted or Incorporated Matter

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulations 5, 8(1)(a)(ix) and 22(1)	AS 2885.1: Pipelines—Gas and liquid petroleum Part 1: Design and construction as published and amended from time to time	Whole
Regulations 5, 17(1)(i), 22(2) and 23(1)(a)	AS 2885.3: Pipelines—Gas and liquid petroleum Part 3: Operation and maintenance as published and amended from time to time	Whole

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2016 is \$13.94. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2016 is \$155.46.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.