



New South Wales

# Pipelines Amendment Regulation 2024

under the

Pipelines Act 1967

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Pipelines Act 1967*.

PENNY SHARPE, MLC  
Minister for Energy

## Explanatory note

The objects of this regulation are the following—

- (a) to set out requirements for the protection of pipelines and land used in the construction or operation of pipelines,
- (b) to set out requirements for the provision of information, documents and evidence in relation to matters under the *Pipelines Act 1967*,
- (c) to provide for the making of directions in response to cyber security incidents,
- (d) to prescribe offences for matters referred to in paragraphs (a)–(c),
- (e) to remove the provision repealing the *Pipelines Regulation 2023* on 1 September 2024.

## **Pipelines Amendment Regulation 2024**

under the

Pipelines Act 1967

### **1 Name of regulation**

This regulation is the *Pipelines Amendment Regulation 2024*.

### **2 Commencement**

This regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Pipelines Regulation 2023

### [1] Section 3 Interpretation

Insert in alphabetical order in section 3(1)—

*cyber security direction*—see section 38A(1),  
*examiner*—see section 43C(1).

### [2] Sections 26A–26C

Insert after section 26—

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

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

Maximum penalty—

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

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

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

Maximum penalty—

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

- (2) In this section—

*property* includes structures and equipment.

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

- (1) The Minister may, by written order served on a licensee, direct the licensee to do the following—

- (a) remove, or cause to be removed, from the licence area, or a relinquished area, licence operations property,
- (b) make arrangements, satisfactory to the Minister, to remove or dispose of the licence operations property,
- (c) make good, to the satisfaction of the Minister, damage to the licence area or relinquished area caused by the removal of the licence operations property,
- (d) make good, to the satisfaction of the Minister, damage to the licence area or relinquished area caused by a person engaged or involved in the operations or by the removal of the property, other than in the manner specified in the direction.

- (2) The direction may specify—

- (a) the licence operations property to be removed, and
- (b) the way in which the property must be removed.

- (3) A person must comply with a direction—

- (a) in relation to a relinquished area—by the time specified in the direction, or
- (b) in relation to a licence area—on or before the expiration of the licence.

Maximum penalty—2,273 penalty units.

- (4) In this section—

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

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

**[3] Sections 38A and 38B**

Insert after section 38—

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

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

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

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

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

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—100 penalty units.

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

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

**[4] Section 40**

Omit the section. Insert instead—

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

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

- (a) for a pipeline for high pressure gas or liquid petroleum—in accordance with AS 2885,
- (b) otherwise—by ensuring signs (**pipeline signs**) are in place at the relevant points for the pipeline, specified in section 41, indicating the route of the pipeline.

Maximum penalty—

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

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

Maximum penalty—10 penalty units.

- (3) A licensee for a pipeline who removes the pipeline must remove all signs required by this section for the pipeline.  
Maximum penalty—10 penalty units.

**[5] Section 41, heading**

Omit the heading. Insert instead—

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

**[6] Sections 43A—43E**

Insert after section 43—

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

- (1) This section applies to a person who has lodged an instrument for approval under the Act, Part 4.
- (2) The Minister may, by written order, direct the person to give to the Minister information about the instrument or the transaction to which the instrument relates.
- (3) A person—
- (a) must comply with the direction, and
  - (b) must not give information that is false or misleading.
- Maximum penalty for subsection (3)—
- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.

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

- (1) This section applies to an instrument lodged with the Minister for approval under the Act, Part 4.
- (2) The Minister may, by written order, direct a person to give the Minister, or to make available for inspection by the Minister or a person specified by the Minister, documents in possession or under the control of the person that relate to an instrument or transaction to which the instrument relates.
- (3) A person—
- (a) must comply with the direction, and
  - (b) must not give or make available for inspection documents that are false or misleading.
- Maximum penalty—
- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.
- (4) In this section—  
*documents* includes books, records, maps and plans.

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

- (1) A body or person (the *examiner*) conducting an inquiry or examination may, by written order served on a person, require the person to do one or more of the following—
- (a) give information in the person's possession or control to the examiner,

- (b) give evidence on matters the subject of the inquiry or examination before the examiner at times and places specified in the order,
  - (c) bring information in the person's possession or control before the examiner at times and places specified in the order.
- (2) The order must—
- (a) specify a reasonable time by which information or documents must be given, and
  - (b) describe information and documents either specifically or generally.
- (3) A person must comply with an order under subsection (1).  
Maximum penalty—
- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units.
- (4) In this section—  
**information** includes documents, books and other papers.

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

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

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

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

**[7] Section 46 Repeal**

Omit the section.