

Passed by both Houses



New South Wales

Energy Amendment (Pipelines and Gas Safety) Bill 2025

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2025

Clerk of the Parliaments



New South Wales

Energy Amendment (Pipelines and Gas Safety) Bill 2025

Act No _____, 2025

An Act to amend the *Gas Supply Act 1996* and the *Pipelines Act 1967* to further provide for the regulation of pipelines and gas supply and to increase penalties for offences; and to amend the *Criminal Procedure Act 1986* for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Energy Amendment (Pipelines and Gas Safety) Act 2025*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 2[9] and [10]—on the commencement of the *Energy Legislation Amendment (Clean Energy Future) Act 2024*, Schedule 3[25] and [26],
- (b) otherwise—on the date of assent to this Act.

Schedule 1 Amendment of Gas Supply Act 1996 No 38

[1] Section 5 Prohibition of unauthorised gas reticulation

Omit section 5(1), penalty. Insert instead—

Maximum penalty—

- (a) 5,000 penalty units, and
- (b) for a continuing offence—a further 500 penalty units for each day the offence continues.

[2] Section 34 Prohibition of unlicensed distribution of LPG and other gases

Omit the penalty. Insert instead—

Maximum penalty—

- (a) 5,000 penalty units, and
- (b) for a continuing offence—a further 500 penalty units for each day the offence continues.

[3] Sections 54 and 54A

Insert after section 53—

54 Directions relating to disconnection or discontinuance of gas supply

- (1) A government inspector may direct a network operator to take reasonable steps to disconnect specified premises from the gas network or discontinue gas supply to specified premises if the government inspector is satisfied it is necessary to ensure compliance with this Act or the regulations.
- (2) A government inspector may direct a network operator to reconnect specified premises to the gas network or continue gas supply to specified premises if the government inspector is satisfied it is necessary to ensure compliance with this Act or the regulations.
- (3) A network operator must comply with a direction given to the network operator under subsection (1) or (2).
Maximum penalty for subsection (3)—
 - (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 1,000 penalty units, and
 - (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

54A Power to disconnect or discontinue gas supply

- (1) A government inspector may disconnect premises from the gas network or discontinue gas supply to premises if satisfied the disconnection or discontinuance is necessary to ensure the safety of the gas network.
- (2) As soon as practicable after disconnecting premises or discontinuing gas supply to premises, the government inspector must give written notice to the occupier of the premises.

- [4] **Part 4, Division 2, heading**
Omit “**entry**”. Insert instead “**inspectors**”.
- [5] **Section 55 Powers of entry**
Omit section 55(2). Insert instead—
(2) A government inspector may enter any premises for the purposes of—
(a) ascertaining whether an offence against this Act or the regulations has been committed, or
(b) preventing or mitigating harm from a hazardous event relating to the supply of gas.
- [6] **Section 56 Notice of entry**
Omit section 56(1). Insert instead—
(1) Before a government inspector exercises a power of entry under this division, the government inspector must give the owner or occupier of the land written notice of the intention to enter the land.
(1A) Before a gas industry inspector exercises a power of entry under this division, the network operator must give the owner or occupier of the land written notice of the intention to enter the land.
- [7] **Section 57 Use of force**
Omit “, but only if authorised by the network operator in accordance with this section” from section 57(1).
- [8] **Section 57(1A)**
Insert after section 57(1)—
(1A) Reasonable force may be used by a gas industry inspector under subsection (1) only if authorised by the network operator in accordance with subsection (2).
- [9] **Section 58, heading**
Insert “**by gas industry inspectors**” after “**entry**”.
- [10] **Section 58(1)**
Omit “An inspector”. Insert instead “A gas industry inspector”.
- [11] **Section 59 Care to be taken**
Omit “network operator” from section 59(4). Insert instead “relevant person”.
- [12] **Section 59(5)**
Insert after section 59(4)—
(5) In this section—
relevant person means—
(a) for a power exercised by a government inspector—the Secretary, or
(b) for a power exercised by a gas industry inspector—the network operator.
- [13] **Section 60, heading**
Insert “**by gas industry inspectors**” after “**inspection**”.

[14] Section 60

Omit “an inspector”. Insert instead “a gas industry inspector”.

[15] Section 61 Compensation

Insert “by a gas industry inspector” after “Division”.

[16] Section 62 Certificates of authority to enter land

Omit section 62(1)(a). Insert instead—

- (a) is in possession of a certificate of authority issued by—
 - (i) for a government inspector—the Secretary, or
 - (ii) for a gas industry inspector—the network operator, and

[17] Section 62(2)(e)

Omit “extends, and”. Insert instead “extends.”.

[18] Section 62(2)(f)

Omit the paragraph.

[19] Section 62(3)

Insert after section 62(2)—

- (3) A person must, as soon as practicable after ceasing to be an inspector, return the person’s certificate of authority to—
 - (a) if the person was a government inspector—the Secretary, or
 - (b) if the person was a gas industry inspector—the network operator.Maximum penalty for subsection (3)—
 - (a) 100 penalty units, and
 - (b) for a continuing offence—a further 10 penalty units for each day the offence continues.

[20] Section 63 Entry to residential premises

Insert after section 63(b)—

- (b1) for a government inspector—for the sole purpose of accessing a consumer service, or

[21] Sections 63A–63E

Insert after section 63—

63A Powers permitted to be exercised on premises

- (1) A government inspector may, at premises lawfully entered, do the following if the government inspector considers it necessary to ensure compliance with this Act or the regulations—
 - (a) seize a thing, if the government inspector has reasonable grounds for believing the thing is connected with an offence against this Act or the regulations,
 - (b) move a seized thing from the place where the thing is seized or leave the thing at the place where the thing is seized and take reasonable action to restrict access to the thing,
 - (c) make a seized thing inoperable,

Examples of making a thing inoperable— dismantling the thing or removing a component without which the thing is not capable of being used

- (d) carry out tests,
 - (e) examine, inspect and remove records or other documents,
 - (f) copy records or other documents.
- (2) The power to seize a thing connected with an offence includes a power to seize—
- (a) a thing for or with which the offence has been committed, and
 - (b) a thing providing evidence of the commission of the offence, and
 - (c) a thing used for the purposes of committing the offence.
- (3) The power to do a thing under this section—
- (a) includes a power to require or arrange for the thing to be done, and
 - (b) may be exercised without the consent of the owner of the thing.
- (4) The power under subsection (1)(e) and (f) includes a power to examine, inspect and remove a record or other document, or to copy a record or other document, that is or includes an individual's health information the government inspector believes, on reasonable grounds, may be relevant to providing evidence of the commission of an offence against this Act or the regulations.
- (5) In this section, a reference to an offence includes a reference to an offence there are reasonable grounds for believing has been committed.

63B Power to require information

- (1) A government inspector may, by written notice to a person, require the person to give relevant information to the government inspector.
- (2) A notice under subsection (1) must specify the following—
 - (a) the information required to be given,
 - (b) the form in which the information must be given,
 - (c) the time within which the information must be given.
- (3) A government inspector may require a person to answer questions in relation to a relevant matter if the government inspector believes, on reasonable grounds, the person has knowledge of the relevant matter.
- (4) A government inspector may, by written notice to a person, require the person to attend at a specified place and time to answer questions under subsection (3) if attendance at the place is reasonably required for the questions to be properly put and answered.
- (5) The place and time at which a person may be required to attend must be—
 - (a) a place or time nominated by the person, or
 - (b) if the place and time nominated is not reasonable in the circumstances or a place and time is not nominated by the person—a place and time nominated by the government inspector that is reasonable in the circumstances.
- (6) The power of a government inspector to require a person to give information or answer questions under this section includes a power to require the person to give, or answer questions relating to, health information about an individual the government inspector reasonably believes may provide evidence of the commission of an offence against this Act or the regulations.

- (7) A person must not, without lawful excuse, fail to comply with a requirement made of the person under this section.
Maximum penalty—
(a) for a corporation—5,000 penalty units, or
(b) for an individual—1,000 penalty units.
- (8) A person must not give information in purported compliance with a requirement under this section knowing the information is false or misleading in a material particular.
Maximum penalty—
(a) for a corporation—5,000 penalty units, or
(b) for an individual—1,000 penalty units.
- (9) In this section—
relevant information means information that is reasonably required to assist the government inspector in exercising functions under this Act.
relevant matter means a matter in relation to which information is reasonably required to assist the government inspector in exercising functions under this Act.

63C Directions relating to safe supply of gas or prevention of damage to gas works

- (1) A government inspector may direct a network operator to carry out a specified activity or take other specified action if the government inspector believes, on reasonable grounds, the carrying out of the activity or the taking of the action is necessary to—
(a) ensure the safe supply of gas by the network operator, or
(b) prevent damage to gas works owned or operated by the network operator, or
(c) ensure the network operator complies with this Act or the regulations.
- (2) A government inspector may direct a person to stop carrying out an activity if the government inspector believes, on reasonable grounds—
(a) the activity is damaging, or is likely to damage, gas works, or
(b) the activity otherwise threatens the safe supply of gas, or
(c) it is necessary to ensure the person complies with this Act or the regulations.
- (3) A direction must be given in writing unless it is reasonably necessary to give the direction verbally—
(a) because of an emergency, or
(b) to prevent or mitigate an imminent threat of—
(i) death or serious injury to persons, or
(ii) serious damage to property or the safe supply of gas.
- (4) A person must comply with a direction given to the person under this section.
Maximum penalty for subsection (4)—
(a) for a corporation—
(i) 5,000 penalty units, and
(ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
(b) for an individual—

- (i) 1,000 penalty units, and
- (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

63D Directions to enable investigations or protect public safety

- (1) A government inspector may direct a person to not enter, or to leave, a specified place by a specified time or for a specified period if the government inspector is satisfied it is reasonably necessary to give the direction—
 - (a) to enable the proper investigation of—
 - (i) a hazardous event relating to gas works, or
 - (ii) a person’s compliance with this Act or the regulations, or
 - (b) because of a potential risk to the safety of persons at the place posed by, or as a result of, a hazardous event relating to gas works.
- (2) A direction may apply to—
 - (a) persons generally, or
 - (b) a specified person or class of persons.
- (3) A direction must be given in writing unless it is reasonably necessary to give the direction verbally—
 - (a) because of an emergency, or
 - (b) to prevent or mitigate an imminent threat of—
 - (i) death or serious injury to persons, or
 - (ii) serious damage to property or the safe supply of gas.
- (4) A direction that applies to persons generally or to a specified class of persons may be given by notice prominently displayed at the place where the direction applies.
- (5) A direction that applies to a specified person must be given to the person.
- (6) A person must comply with a direction that applies to the person under this section.
Maximum penalty for subsection (6)—
 - (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 1,000 penalty units, and
 - (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

63E Provisions relating to requirements to give information or answer questions

- (1) A person is not guilty of an offence of failing to comply with a requirement under this division to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence.
- (2) A person is not excused from a requirement under this division to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.

- (3) However, information or an answer given by a natural person in compliance with a requirement under this division is not admissible in evidence against the person in criminal proceedings, other than proceedings under this division, if—
 - (a) the person objected at the time to doing so on the ground that it might incriminate the person, or
 - (b) the person was not warned on that occasion that the person may object to giving the information or answer on the ground that it might incriminate the person.
- (4) A record given by a person in compliance with a requirement under this division to give information is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.
- (5) Further information obtained as a result of information or an answer given in compliance with a requirement under this division is not inadmissible on the ground that—
 - (a) the information or answer had to be given, or
 - (b) the information or answer given might incriminate the person.
- (6) This section extends to a requirement under this division to state a person's name and address.

[22] Section 64 Warrants of entry

Insert before section 64(1)—

- (1A) A government inspector may apply to an authorised officer for a warrant of entry if, in the government inspector's opinion, it is necessary for the government inspector to enter and inspect land, including a building used for residential purposes, for the purposes of this Act.

[23] Sections 64C Requirements in relation to carrying out of certain excavation work

Omit section 64C(1) and (3), penalties. Insert instead—

Maximum penalty—

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

[24] Sections 64D(1) and 67–72

Omit the penalties. Insert instead—

Maximum penalty—

- (a) for a corporation—5,000 penalty units, or
- (b) for an individual—1,000 penalty units.

[25] Section 65 Theft of gas

Omit the penalty. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
- (b) for an individual—

- (i) 500 penalty units, and
- (ii) for a continuing offence—a further 50 penalty units for each day the offence continues.

[26] Section 66, heading

Insert “or damage to” after “with”.

[27] Section 66(1)

Omit the subsection. Insert instead—

- (1) A person must not—
 - (a) interfere with a network operator’s gas works unless authorised to do so by the network operator, or
 - (b) damage gas works.Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—5,000 penalty units or imprisonment for 5 years, or both.

[28] Section 66(4)

Omit the subsection. Insert instead—

- (4) Section 81 does not apply to an offence under this section that is dealt with on indictment.

[29] Section 72AA

Insert after section 72—

72AA Unlawfully interfering with seized thing

- (1) A person, other than a government inspector, must not do, or attempt to do, any of the following acts in relation to a thing seized under section 63A unless the person has a reasonable excuse—
 - (a) unlawfully interfere with the thing or something done under section 63A(1)(b) to restrict access to the thing,
 - (b) enter, or be at, the place where the thing is being kept,
 - (c) move the thing from the place where the thing is being kept.Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (2) It is a reasonable excuse for subsection (1) if the act is authorised by a government inspector.

[30] Section 76A Cyber security directions

Omit section 76A(4), penalty. Insert instead—

Maximum penalty for subsection (4)—

- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or

- (b) for an individual—
 - (i) 400 penalty units, and
 - (ii) for a continuing offence—a further 40 penalty units for each day the offence continues.

[31] Section 76B

Insert after section 76A—

76B Notification and reporting requirements for network operators

- (1) The regulations may require a network operator to comply with specified requirements to give information to the Minister or Secretary, including in relation to the following—
 - (a) accidents and incidents involving distribution pipelines and distribution systems, including gas releases,
 - (b) the operation of basic metering equipment,
 - (c) gas leakages.
 - (2) The requirements may be —
 - (a) specified in the regulations, or
 - (b) specified by the Minister.
- Note—** Section 83(6) allows the regulations to create an offence punishable by a penalty not exceeding—
- (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—5,000 penalty units.

[32] Sections 77A and 77B

Insert after section 77—

77A Revocation or variation of directions and notices given by inspectors

- (1) A direction or notice given by an inspector under this Act may be revoked or varied by a later direction or notice.
- (2) Without limiting subsection (1), a direction or notice may be varied as follows—
 - (a) by including a new requirement or specification in the direction or notice,
 - (b) by substituting, omitting or amending a requirement or specification in the direction or notice,
 - (c) by extending the time for complying with the direction or notice.
- (3) A direction or notice must not be varied to reduce the time for complying with the direction or notice.
- (4) A direction or notice may only be revoked or varied by—
 - (a) for a direction or notice given by a government inspector—
 - (i) the government inspector who gave the notice or direction, or
 - (ii) another government inspector, or
 - (b) for a direction or notice given by a gas industry inspector—
 - (i) the gas industry inspector who gave the notice or direction, or

- (ii) another gas industry inspector appointed by the same network operator that appointed the gas industry inspector who gave the notice.

77B Inconsistency between directions given by government inspectors and directions given by gas industry inspectors

- (1) This section applies if there is an inconsistency between a direction given by a government inspector under this Act and a direction given by a gas industry inspector under this Act.
- (2) Despite any other provision of this Act—
 - (a) the direction of the government inspector prevails to the extent of the inconsistency, and
 - (b) a person to whom both directions apply does not commit an offence for failing to comply with the direction of the gas industry inspector to the extent that it is inconsistent with the direction of the government inspector.

[33] Section 81 Proceedings for offences

Omit section 81(4). Insert instead—

- (4) The maximum monetary penalty that may be imposed by the Local Court in proceedings for an offence against a provision of this Act or the regulations is—
 - (a) for a corporation—2,000 penalty units, and
 - (b) for an individual—1,000 penalty units.

[34] Section 83 Regulations

Omit “undertakings.” from section 83(2)(m)(vi). Insert instead—

- undertakings,
- (n) the decommissioning of gas networks and the cessation of operation of gas networks, including decommissioning and abandonment planning and other requirements for network operators,
- (o) the suspension of operation of gas networks, including suspension planning and other requirements for network operators.

[35] Sections 83A–85

Insert after section 83—

83A Delegation

- (1) The Minister may delegate the Minister’s functions under this Act to the Secretary, other than the following—
 - (a) this power of delegation,
 - (b) the Minister’s functions under sections 9, 11, 11A, 12, 38, 40 and 41.
- (2) The Secretary may subdelegate a function delegated to the Secretary by the Minister under subsection (1) to an authorised person, unless the Minister otherwise provides in the instrument of delegation to the Secretary.
- (3) The Secretary may delegate the Secretary’s functions under this Act, other than this power of delegation, to an authorised person.
- (4) In this section—

authorised person means the following—

- (a) a person employed in the Department,
- (b) a person, or person of a class, prescribed by the regulations.

84 Continuing offences

- (1) This section applies to a provision of this Act or the regulations requiring a person to do, or stop doing, something (a **continuing requirement provision**), regardless of whether—
 - (a) the requirement is imposed by a direction or notice or in another way, or
 - (b) the person must do or stop doing something within a specified period.
- (2) A person who is guilty of an offence because the person contravenes a continuing requirement provision—
 - (a) continues, until the requirement is complied with and despite the fact a specified period has expired or time has passed, to be liable to comply with the requirement, and
 - (b) is guilty of a continuing offence for each day the contravention continues.
- (3) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide a penalty for a continuing offence.
- (4) This section does not apply to the extent that a requirement imposed on a person is revoked.

85 Penalty notices

- (1) A government inspector may issue a penalty notice to a person if it appears to the government inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.
Note— The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.
- (5) This section does not limit the operation of another provision of, or made under, this or another Act relating to proceedings that may be taken for offences.

[36] Schedule 3 Dictionary

Omit the definition of **inspector**. Insert instead in alphabetical order—

gas industry inspector means an inspector appointed by a network operator under section 77(2).

government inspector means an inspector appointed by the Minister under section 77(1).

hazardous event means an event that causes or has the potential to cause—

- (a) physical injury or damage to the health of a person, or

(b) damage to property or the environment.

health information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

inspector means a government inspector or gas industry inspector.

Secretary means the Secretary of the Department.

Schedule 2 Amendment of Pipelines Act 1967 No 90

[1] Section 3 Definitions

Omit section 3(1), definition of *inspector*. Insert instead in alphabetical order—

hazardous event means an event that causes or has the potential to cause—

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

health information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

inspector means an inspector appointed under section 59.

[2] Section 4 Delegation of functions

Omit “sections 5, 5A, 14, 15, 19, 21, 21A, 30, 32, 33, 33A and 58A” from section 4(1)(b).

Insert instead “sections 5, 5A, 14, 15, 32, 33 and 58A”.

[3] Section 4(1A)

Insert after section 4(1)—

- (1A) If the Minister delegates the Minister’s function under section 19 to the Secretary, the Secretary may grant the application under section 19(1) only if satisfied the lands or easements specified in the application are vested in the applicant, as referred to in section 19(1)(b)(i).

[4] Section 11 Construction and operation of pipelines

Omit the penalty. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 10,000 penalty units, and
 - (ii) for a continuing offence—a further 1,000 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues.

[5] Section 16 Cyber security requirements

Insert after section 16(2)—

- (3) It is a condition of a licence that the licensee must adopt and implement policies and procedures that comply with the regulations made under this section.

[6] Section 16B Licence conditions—cyber security

Omit the section.

[7] Section 20 Plan to be lodged with Registrar-General

Omit “is to cause to be lodged with the Registrar-General a plan of the lands to which the application relates” from section 20(1).

Insert instead “must ensure a plan of the lands to which the application relates has been lodged with the Registrar-General”.

[8] Section 22 Availability of certain land etc for compulsory acquisition

Insert after section 22(3)—

- (4) The regulations may make provision in relation to the operation of subsection (1)(d)(ii), including by—
 - (a) providing for what constitutes reasonable steps, and
 - (b) providing for the matters the Minister must consider for the purposes of that subsection, and
 - (c) applying or adopting guidelines in force from time to time.

[9] Section 37 Licence fees

Insert after section 37(3)—

- (4) A fee, including any additional amount payable under subsection (3), is a debt due by the licensee to the Crown and is recoverable in a court of competent jurisdiction.

[10] Section 39 Fees and penalties debts due to the Crown

Omit the section.

[11] Section 54

Omit the section. Insert instead—

54 Offence relating to register of licences

A person must not wilfully—

- (a) make, arrange to be made or concur in making a false entry in the register, or
- (b) produce or tender in evidence a document falsely purporting to be—
 - (i) a copy of or extract from an entry in the register, or
 - (ii) a copy of or extract from an instrument lodged with the Minister under this part.

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—500 penalty units or imprisonment for 2 years, or both.

[12] Sections 56A and 56B

Insert after section 56—

56A Requirements in relation to carrying out of certain excavation work

- (1) This section applies to excavation work in an area, and of a kind, prescribed by the regulations.
- (2) A person must not commence excavation work, or authorise excavation work to be commenced, unless the person has—
 - (a) contacted the designated information provider and requested information about the location and type of any pipelines in the area of the proposed excavation work, and
 - (b) complied with any reasonable procedures of the designated information provider about—
 - (i) how to contact the designated information provider, and

- (ii) the information the person must give the designated information provider in connection with the person's request for information, and
 - (c) allowed a reasonable period for the requested information to be given by the designated information provider.
- Maximum penalty—
 - (a) for a corporation—2,000 penalty units, or
 - (b) for an individual—400 penalty units.
- (3) Subsection (2) does not require a person to comply with the requirements of the subsection in relation to excavation work if another person has already complied with the requirements in relation to the excavation work.
- (4) A person must not carry out excavation work, or authorise excavation work to be carried out, unless the person has ensured any requirements of the regulations in relation to the carrying out of the excavation work are complied with.
Maximum penalty—
 - (a) for a corporation—2,000 penalty units, or
 - (b) for an individual—400 penalty units.
- (5) The regulations may make provision about the following—
 - (a) the requirements in relation to the carrying out of excavation work,
 - (b) the requirements for giving notice to a specified person or body, or person or body of a specified class, in relation to the carrying out of excavation work,
 - (c) the monitoring of excavation work,
 - (d) what constitutes reasonable procedures for subsection (2)(b),
 - (e) what constitutes a reasonable period for requested information to be given by a designated information provider for subsection (2)(c).
- (6) In this section—
designated information provider means—
 - (a) Before You Dig Australia Limited, ABN 91 089 413 650, or
 - (b) if another person or body is prescribed by the regulations—the other person or body.

56B Notification of damage to pipelines

- (1) As soon as practicable after becoming aware that a person's action, or action authorised by the person, has damaged a pipeline, the person must notify the licensee for the pipeline of the damage.
Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (2) The regulations may provide for the way in which a person must notify the licensee under subsection (1).
- (3) Subsection (1) does not require a person to notify the licensee of the damage if another person has already notified the licensee of the damage.

[13] Section 58A Directions by the Minister and Secretary

Insert “, pipeline suspension plans” after “decommissioning plans” in section 58A(1B)(a).

[14] Section 59 Inspectors

Omit section 59(3). Insert instead—

- (3) If a person ceases to be an inspector, the person must return the person’s certificate of authority to the Minister or the Minister’s nominee—
- (a) as soon as practicable after the person’s appointment ends, or
 - (b) if the Minister or the Secretary directs the person to return the certificate by an earlier day—by the directed day.

Maximum penalty—

- (a) 100 penalty units, and
- (b) for a continuing offence—a further 10 penalty units for each day the offence continues.

- (4) In this section—

Minister’s nominee means a person nominated by the Minister by written notice given to the person required to return the certificate of authority.

[15] Section 59A

Insert after section 59—

59A Obstruction or impersonation of inspectors

A person must not—

- (a) prevent an inspector from exercising the inspector’s functions under this Act, or
- (b) hinder or obstruct an inspector in the exercise of the inspector’s functions under this Act, or
- (c) impersonate an inspector.

Maximum penalty—

- (a) for a corporation—5,000 penalty units, or
- (b) for an individual—1,000 penalty units.

[16] Sections 60–60AG

Omit section 60. Insert instead—

60 Entry powers of inspectors

- (1) An inspector may, at any reasonable time—
- (a) enter relevant land for the purposes of exercising the inspector’s functions under this Act, including for the following purposes—
 - (i) carrying out preliminary investigations in relation to the proposed installation or extension of a pipeline,
 - (ii) inspecting or testing a pipeline,
 - (iii) taking samples of a substance being conveyed by a pipeline,
 - (iv) ascertaining whether an offence against this Act or the regulations has been committed,
 - (v) preventing or mitigating harm from a hazardous event relating to a pipeline, and

- (b) enter land, including land on which residential premises are located, that is subject to an easement in favour of a licensee to access a pipeline to which the easement relates for the purposes of exercising the inspector's functions under this Act, including the purposes mentioned in paragraph (a).
- (2) Before an inspector exercises a power of entry under this section, the inspector must produce the inspector's certificate of authority for inspection by the owner or occupier of the land to be entered.
- (3) An inspector may require the occupier or person in charge of a building, structure or place to provide the inspector with reasonable facilities and assistance for the effective exercise of the inspector's powers under this section.
- (4) An occupier or person in charge of a building, structure or place must comply with a requirement made of the occupier or person under subsection (3).
- (5) This section does not authorise entry into a part of premises being used solely for residential purposes, except—
 - (a) with the consent of the occupier of the part of the premises, or
 - (b) under the authority of a search warrant.
- (6) In this section—

certificate of authority, for an inspector, means the certificate issued to the inspector by the Minister under section 59(2).

relevant land means—

 - (a) land in relation to which an authority to survey is in force, or
 - (b) land that is part of the licence area for a licence.

60AA Powers permitted to be exercised on land or premises

- (1) An inspector may, at land or premises lawfully entered, do the following if the inspector considers it necessary to ensure compliance with this Act or the regulations—
 - (a) seize a thing if the inspector has reasonable grounds for believing the thing is connected with an offence against this Act or the regulations,
 - (b) move a seized thing from the place where the thing is seized or leave the thing at the place where the thing is seized and take reasonable action to restrict access to the thing,
 - (c) make a seized thing inoperable,

Examples of making a thing inoperable— dismantling the thing or removing a component without which the thing is not capable of being used
 - (d) carry out tests,
 - (e) take samples of a substance being conveyed by a pipeline,
 - (f) examine, inspect and remove records or other documents,
 - (g) copy records or other documents.
- (2) The power to seize a thing connected with an offence includes a power to seize—
 - (a) a thing for or with which the offence has been committed, and
 - (b) a thing providing evidence of the commission of the offence, and
 - (c) a thing used for the purposes of committing the offence.

- (3) The power to do a thing under this section—
 - (a) includes a power to require or arrange for the thing to be done, and
 - (b) may be exercised without the consent of the owner of the thing.
- (4) The power under subsection (1)(f) and (g) includes a power to examine, inspect and remove a record or other document, or to copy a record or other document, that is or includes an individual's health information the inspector believes, on reasonable grounds, may be relevant to providing evidence of the commission of an offence against this Act or the regulations.
- (5) In this section, a reference to an offence includes a reference to an offence there are reasonable grounds for believing has been committed.

60AB Power to require information

- (1) An inspector may, by written notice to a person, require the person to give relevant information to the inspector.
- (2) A notice under subsection (1) must specify the following—
 - (a) the information required to be given,
 - (b) the form in which the information must be given,
 - (c) the time within which the information must be given.
- (3) An inspector may require a person to answer questions in relation to a relevant matter if the inspector believes, on reasonable grounds, the person has knowledge of the relevant matter.
- (4) An inspector may, by written notice to a person, require the person to attend at a specified place and time to answer questions under subsection (3) if attendance at the place is reasonably required for the questions to be properly put and answered.
- (5) The place and time at which a person may be required to attend must be—
 - (a) a place or time nominated by the person, or
 - (b) if the place and time nominated is not reasonable in the circumstances or a place and time is not nominated by the person—a place and time nominated by the inspector that is reasonable in the circumstances.
- (6) The power of an inspector to require a person to give information or answer questions under this section includes a power to require the person to give, or answer questions relating to, health information about an individual the inspector reasonably believes may provide evidence of the commission of an offence against this Act or the regulations.
- (7) A person must not, without lawful excuse, fail to comply with a requirement made of the person under this section.
Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (8) A person must not give information in purported compliance with a requirement under this section knowing the information is false or misleading in a material particular.
Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.

- (9) In this section—
relevant information means information that is reasonably required to assist the inspector in exercising functions under this Act.
relevant matter means a matter in relation to which information is reasonably required to assist the inspector in exercising functions under this Act.

60AC Directions relating to prevention of damage to pipelines

- (1) An inspector may direct a licensee to carry out a specified activity or take other specified action if the inspector believes, on reasonable grounds, the carrying out of the activity or the taking of the action is necessary to—
- (a) ensure the safe conveyance of substances in a pipeline specified in the licensee's licence, or
 - (b) prevent damage to a pipeline specified in the licensee's licence, or
 - (c) otherwise ensure the licensee complies with this Act or the regulations.
- (2) An inspector may direct a person to stop carrying out an activity if the inspector believes, on reasonable grounds—
- (a) the activity is damaging, or is likely to damage, a pipeline, or
 - (b) the activity otherwise threatens the safe conveyance of substances in a pipeline, or
 - (c) it is necessary to ensure the person complies with this Act or the regulations.
- (3) A direction must be given in writing unless it is reasonably necessary to give the direction verbally—
- (a) because of an emergency, or
 - (b) to prevent or mitigate an imminent threat of—
 - (i) death or serious injury to persons, or
 - (ii) serious damage to property or the safe conveyance of a substance in a pipeline.
- (4) A person must comply with a direction given to the person under this section. Maximum penalty for subsection (4)—
- (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 1,000 penalty units, and
 - (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

60AD Directions to enable investigations or protect public safety

- (1) An inspector may direct a person to not enter, or to leave, a specified place by a specified time or for a specified period if the inspector is satisfied it is reasonably necessary to give the direction—
- (a) to enable the proper investigation of—
 - (i) a hazardous event relating to a pipeline, or
 - (ii) a person's compliance with this Act or the regulations, or

- (b) because of a potential risk to the safety of persons at the place posed by, or as a result of, a hazardous event relating to a pipeline.
- (2) A direction may apply to—
 - (a) persons generally, or
 - (b) a specified person or class of persons.
- (3) A direction must be given in writing unless it is reasonably necessary to give the direction verbally—
 - (a) because of an emergency, or
 - (b) to prevent or mitigate an imminent threat of—
 - (i) death or serious injury to persons, or
 - (ii) serious damage to property or the safe supply of gas.
- (4) A direction that applies to persons generally or to a specified class of persons may be given by notice prominently displayed at the place where the direction applies.
- (5) A direction that applies to a specified person must be given to the person.
- (6) A person must comply with a direction that applies to the person under this section.
Maximum penalty for subsection (6)—
 - (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 1,000 penalty units, and
 - (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

60AE Provisions relating to requirements to give information or answer questions

- (1) A person is not guilty of an offence of failing to comply with a requirement under this part to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence.
- (2) A person is not excused from a requirement under this part to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.
- (3) However, information or an answer given by a natural person in compliance with a requirement under this part is not admissible in evidence against the person in criminal proceedings, other than proceedings under this part, if—
 - (a) the person objected at the time to doing so on the ground that it might incriminate the person, or
 - (b) the person was not warned on that occasion that the person may object to giving the information or answer on the ground that it might incriminate the person.
- (4) A record given by a person in compliance with a requirement to give information under this part is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.

- (5) Further information obtained as a result of information or an answer given in compliance with a requirement under this part is not inadmissible on the ground that—
 - (a) the information or answer had to be given, or
 - (b) the information or answer given might incriminate the person.
- (6) This section extends to a requirement under this part to state a person's name and address.

60AF Warrants of entry

- (1) An inspector may apply to an authorised officer for a warrant of entry if, in the inspector's opinion, it is necessary for the inspector to enter and inspect any land, including a building used for residential purposes, for the purposes of this Act.
- (2) An authorised officer to whom an application for a warrant is made may, if satisfied there are reasonable grounds for doing so, issue a warrant of entry authorising an inspector named in the warrant to enter and inspect the land for the purposes of this Act.
- (3) The *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 5, Division 4 applies to a warrant of entry under this section in the same way as it applies to a search warrant under that Act.
- (4) In this section—
authorised officer has the same meaning as in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

60AG Revocation or variation of directions and notices by inspectors

- (1) A direction or notice given by an inspector under this Act may be revoked or varied by a later direction or notice.
- (2) Without limiting subsection (1), a direction or notice may be varied as follows—
 - (a) by including a new requirement or specification in the direction or notice,
 - (b) by substituting, omitting or amending a requirement or specification in the direction or notice,
 - (c) by extending the time for complying with the direction or notice.
- (3) A direction or notice must not be varied to reduce the time for complying with the direction or notice.
- (4) A direction or notice may only be revoked or varied by—
 - (a) the inspector who gave the notice or direction, or
 - (b) another inspector.

[17] Section 60A Stop notices

Omit the section.

[18] Section 60B, heading

Omit “stop notices”. Insert instead “**certain directions**”.

[19] Section 60B(1)

Omit the subsection. Insert instead—

- (1) A person to whom a direction is given under section 60AC may appeal to the Land and Environment Court against the direction, including against a direction varied under section 60AG.

[20] Section 62

Insert after section 61—

62 Unlawfully interfering with seized thing

- (1) A person, other than an inspector, must not do, or attempt to do, any of the following acts in relation to a thing seized under section 60AA unless the person has a reasonable excuse—
 - (a) unlawfully interfere with the thing or something done under section 60AA(1)(b) to restrict access to the thing,
 - (b) enter, or be at, the place where the thing is being kept,
 - (c) move the thing from the place where the thing is being kept.Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (2) It is a reasonable excuse for subsection (1) if the act is authorised by an inspector.

[21] Section 63

Omit sections 63 and 64. Insert instead—

63 Theft of substances from pipelines and damaging pipelines

- (1) A person must not, without lawful excuse, abstract, arrange to be wasted or diverted, consume or use any substance being conveyed by a pipeline.
Maximum penalty—
 - (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 500 penalty units or imprisonment for 5 years, or both, and
 - (ii) for a continuing offence—a further 50 penalty units for each day the offence continues.
- (2) A person must not, without lawful excuse—
 - (a) damage a pipeline, or
 - (b) interfere with the operation of a pipeline.Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—5,000 penalty units or imprisonment for 5 years, or both.
- (3) An offence under this section that is committed by an individual is an indictable offence.
- (4) The *Criminal Procedure Act 1986*, Chapter 5 applies to an offence under this section.

- (5) Section 67 does not apply to an offence under this section that is dealt with on indictment.

[22] Section 66

Insert after section 65—

66 Penalty notices

- (1) An inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.
Note— The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.
- (5) This section does not limit the operation of another provision of, or made under, this or another Act relating to proceedings that may be taken for offences.

[23] Section 67

Omit sections 67 and 68. Insert instead—

67 Proceedings for offences

- (1) Proceedings for an offence under this Act or the regulations may be dealt with summarily before—
- (a) the Local Court, or
 - (b) the Supreme Court in its summary jurisdiction.
- (2) The maximum monetary penalty that may be imposed by the Local Court in proceedings for an offence under this Act or the regulations is—
- (a) for a corporation—2,000 penalty units, and
 - (b) for an individual—1,000 penalty units.
- (3) The maximum monetary penalty that may be imposed by the Supreme Court in its summary jurisdiction in proceedings for an offence under this Act or the regulations is the maximum monetary penalty provided by this Act or the regulations for the offence.

[24] Schedule 2 Regulation-making powers

Omit “operated.” from clause 1(f). Insert instead—

- operated,
- (g) suspension of operation of pipelines, including suspension planning and other requirements for licensees.

[25] Schedule 2, clause 13(a)

Insert “or dispose of” after “remove”.

[26] Schedule 2

Insert at the end of the schedule, with appropriate clause numbering—

Obligations of licensees in relation to designated information providers

- (1) Requiring a licensee to be a member of a designated information provider and to comply with membership obligations.
- (2) Requiring a licensee to give information about underground pipelines to a designated information provider, including in relation to a request for information under section 56A.
- (3) In this clause—
designated information provider has the same meaning as in section 56A.

Schedule 3 Amendment of Criminal Procedure Act 1986 No 209

[1] Section 268 Maximum penalties for Table 2 offences

Omit section 268(2)(g).

[2] Schedule 1 Indictable offences triable summarily

Omit “**underground electricity power lines and gas pipelines**” from Table 2, Part 12, heading.

Insert instead “**pipelines, electricity and gas**”.

[3] Schedule 1, Table 2, clause 20

Insert before clause 21—

20 Pipelines Act 1967

An offence under the *Pipelines Act 1967*, section 63 committed by an individual.