



New South Wales

# Pipelines Amendment Bill 2006

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of the Bill is to simplify the system of approvals under the *Pipelines Act 1967* (***the Principal Act***) relating to the construction and operation of pipelines and to integrate the system with the development approval process under the *Environmental Planning and Assessment Act 1979* (***the EP&A Act***).

In particular the Bill:

- (a) ends the permit scheme under the Principal Act, and
- (b) transfers from the Governor to the Minister functions that are part of the day-to-day implementation of the Principal Act, and
- (c) simplifies and streamlines the licensing process under the Principal Act, and
- (d) enables the EP&A Act to apply with respect to the construction and operation of a pipeline to which the Principal Act applies, and
- (e) facilitates the licensing under the Principal Act of pipelines that are the subject of approvals under Part 3A of the EP&A Act.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the amendments to the EP&A Act set out in Schedule 2.

**Clause 5** provides for the repeal of the proposed Act after the amendments made by the proposed Act have commenced. Once the amendments have commenced, the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of the amending Act does not affect the amendments made by that Act.

## Schedule 1 Amendment of Pipelines Act 1967

Division 2 of Part 2 of the Principal Act provides for the granting of permits to enter lands for the purpose of determining the route of a proposed pipeline and carrying out associated activities. **Schedule 1 [29]** of the Bill repeals Division 2 to end the permit scheme. **Schedule 1 [28]** substitutes section 5H of the Principal Act so that the rights conferred by an authority to survey under that Act include the rights currently conferred by a permit. **Schedule 1 [26]** amends section 5E of the Principal Act to simplify the provision and to make it clear that an application under that section is for an authority to survey. Schedule 1 also makes amendments consequential on the ending of the permit scheme. (See **Schedule 1 [1], [8]–[11], [18], [25], [33], [36], [40], [43], [48], [57], [80], [82]–[90], [94]–[96], [98], [99], [102], [103], [108], [110], [111] and [113].**)

**Schedule 1** amends the Principal Act to confer on the Minister functions that that Act currently confers on the Governor (other than the making of regulations) and makes consequential amendments, including with respect to the delegation and sub-delegation of those functions. (See **Schedule 1 [4], [12], [13], [16], [17], [19]–[22], [51], [52], [55], [62]–[66], [70]–[72] and [75]–[78].**)

**Schedule 1 [15]** amends section 5 of the Principal Act so that a person is not required to hold a licence under that Act in respect of a pipeline for the supply of water or the conveyance of, among other specified substances, waste water or mine water.

**Schedule 1 [23]** amends section 5C of the Principal Act so that the membership of a pipeline committee appointed under the Act is no longer prescribed by the Act but is instead a matter for the Minister's discretion. **Schedule 1 [24]** substitutes section 5D of the Principal Act in relation to the functions of pipeline committees as a consequence of the ending of the permit scheme under that Act. It also omits from the functions of pipeline committees the function of advising the Minister specifically in relation to the granting of licences and confers a more general advising function on those committees.

**Schedule 1** amends the Principal Act so that it no longer requires copies of applications under that Act to be given to particular Ministers. However, regulations under that Act will be able to provide that notice of the applications must be given to prescribed public authorities. (See **Schedule 1** [35], [37], [39], [44], [45], [47], [50], [58], [59] and [61].)

**Schedule 1** [54] amends section 17 of the Principal Act so that a licence under that Act remains in force indefinitely (subject to it being cancelled or surrendered) and may be reviewed by the Minister at intervals not exceeding 21 years. (Currently, licences must be issued for a specified term (not exceeding 21 years).) **Schedule 1** [10] and [53] make consequential amendments.

**Schedule 1** [27], [34], [38], [42], [46], [56], [60], [68], [91] and [107] amend the Principal Act to remove the current requirement for various applications and instruments under that Act to be in a prescribed form.

**Schedule 1** [114]–[116] amend section 69 of the Principal Act to enable regulations under that Act to prescribe particulars to be included in a notification under the Act and apply, adopt or incorporate the provisions of particular publications of Standards Australia as in force from time to time.

Currently, the Principal Act provides that it does not require a person to hold a licence under that Act in respect of a pipeline constructed or to be constructed under, or under an authority granted under, any Act other than the Principal Act. It also provides that the EP&A Act does not apply to or in respect of any matter relating to the construction or operation of a pipeline except the granting of a permit under the Principal Act. **Schedule 1** [14] amends section 5 of the Principal Act so that the fact that a pipeline is, or is to be, constructed under an approval or authority under the EP&A Act does not exempt a person from the requirement to hold a licence in respect of the pipeline under the Principal Act. (The amendment also omits from section 5 a reference to the *Dangerous Goods Act 1975*, which has been repealed.) **Schedule 1** [79] amends section 40 of the Principal Act to enable the operation of the EP&A Act in relation to the construction or operation of a pipeline.

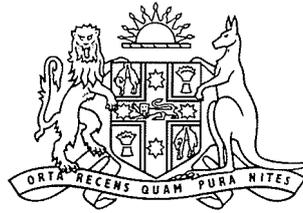
**Schedule 1** [7] amends the definition of “public authority” in the Principal Act so that the definition lists the bodies that are currently defined separately by the Principal Act as statutory bodies representing the Crown. (The amendment also updates references to some of those bodies.) As a consequence of that amendment, **Schedule 1** [1] omits the definition of “statutory body representing the Crown” from the Principal Act. **Schedule 1** [3], [5] and [6] make other associated consequential amendments.

**Schedule 1** [117] and [118] are savings and transitional provisions consequent on the enactment of the Bill.

**Schedule 1** [2], [30]–[32], [41], [49], [67], [69], [73], [74], [81], [92], [93], [97], [100], [101], [104]–[106], [109] and [112] make minor statute law revision amendments to the Principal Act.

## **Schedule 2      Amendment of Environmental Planning and Assessment Act 1979**

**Schedule 2** of the Bill amends section 75V of the EP&A Act so that a licence under the Principal Act cannot be refused if it is necessary for carrying out a project approved under Part 3A of the EP&A Act and the licence is to be substantially consistent with the Part 3A approval.



New South Wales

# Pipelines Amendment Bill 2006

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New South Wales

## Pipelines Amendment Bill 2006

No. , 2006

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### **A Bill for**

An Act to amend the *Pipelines Act 1967* to simplify the system of approvals relating to the construction and operation of pipelines, to facilitate major pipeline projects; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Pipelines Amendment Act 2006</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5
<b>3 Amendment of Pipelines Act 1967 No 90</b>	6
The <i>Pipelines Act 1967</i> is amended as set out in Schedule 1.	7
<b>4 Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	8
The <i>Environmental Planning and Assessment Act 1979</i> is amended as set out in Schedule 2.	9 10 11
<b>5 Repeal of Act</b>	12
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	13 14
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	15 16

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<b>Schedule 1</b>	<b>Amendment of Pipelines Act 1967</b>	1
	(Section 3)	2
<b>[1] Section 3 Definitions</b>		3
	Omit the definitions of <i>Authority</i> , <i>permit</i> , <i>permittee</i> and <i>statutory body representing the Crown</i> from section 3 (1).	4 5
<b>[2] Section 3 (1), definitions of “Department” and “Director-General”</b>		6
	Insert in alphabetical order:	7
	<i>Department</i> means the Department of Energy, Utilities and Sustainability.	8 9
	<i>Director-General</i> means the Director-General of the Department.	10 11
<b>[3] Section 3 (1), definition of “land”</b>		12
	Omit “statutory body representing the Crown” from paragraph (d) of the definition.	13 14
	Insert instead “public authority”.	15
<b>[4] Section 3 (1), definition of “licence”</b>		16
	Omit “Governor”. Insert instead “Minister”.	17
<b>[5] Section 3 (1), definition of “owner”</b>		18
	Omit “statutory body representing the Crown” wherever occurring in paragraph (a) of the definition.	19 20
	Insert instead “public authority”.	21
<b>[6] Section 3 (1), definition of “owner”</b>		22
	Omit paragraph (c) of the definition. Insert instead:	23
	(c) in relation to lands (not being lands specified in a contract referred to in paragraph (a) (ii)) owned by or vested in a public authority, means that authority, and	24 25 26
<b>[7] Section 3 (1), definition of “public authority”</b>		27
	Omit the definition. Insert instead:	28
	<i>public authority</i> means:	29
	(a) the Hunter Water Corporation, New South Wales Land and Housing Corporation, Rail Corporation New South Wales, Rail Infrastructure Corporation, Roads and Traffic Authority, State Rail Authority of New South Wales, State	30 31 32 33

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	Transit Authority, State Water Corporation, Sydney Water Corporation, Transport Infrastructure Development Corporation or Water Administration Ministerial Corporation, or	1 2 3 4
	(b) a council or county council within the meaning of the <i>Local Government Act 1993</i> , or	5 6
	(c) any body declared by the Minister, by order published in the Gazette, to be a public authority for the purposes of this Act.	7 8 9
<b>[8]</b>	<b>Section 3 (1), definition of “registered holder”</b>	10
	Omit the definition. Insert instead:	11
	<i>registered holder</i> means the person whose name is for the time being shown in the register as being the holder of a licence.	12 13
<b>[9]</b>	<b>Section 3 (3)</b>	14
	Omit “permit or” wherever occurring.	15
<b>[10]</b>	<b>Section 3 (4) and (5)</b>	16
	Omit the subsections.	17
<b>[11]</b>	<b>Section 3 (7A)</b>	18
	Omit the subsection.	19
<b>[12]</b>	<b>Section 4</b>	20
	Omit the section. Insert instead:	21
	<b>4 Delegation of functions</b>	22
	(1) The Minister may delegate to the Director-General the Minister’s functions under this Act other than:	23 24
	(a) this power of delegation, and	25
	(b) any of the Minister’s functions under sections 5, 5A, 14, 15, 19, 21, 21A, 30, 32, 33, 33A and 58A.	26 27
	(2) The Director-General may sub-delegate to an authorised person any of the functions delegated to the Director-General by the Minister under this section unless the Minister otherwise provides in the instrument of delegation to the Director-General.	28 29 30 31
	(3) The Director-General may delegate to an authorised person any of the Director-General’s functions under this Act, other than this power of delegation.	32 33 34

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(4)	In this section, <i>authorised person</i> means:	1
(a)	a member of staff of a Department of the Public Service, or	2
(b)	the holder of a particular statutory or public office.	3
<b>[13]</b>	<b>Section 4A Delegation of Minister’s functions</b>	4
	Omit the section.	5
<b>[14]</b>	<b>Section 5 Application of Act</b>	6
	Omit section 5 (1) (a). Insert instead:	7
(a)	a pipeline constructed or to be constructed under, or under an approval or other authority granted under, any Act, other than this Act or the <i>Environmental Planning and Assessment Act 1979</i> ,	8 9 10 11
<b>[15]</b>	<b>Section 5 (1) (d)</b>	12
	Omit the paragraph. Insert instead:	13
(d)	a pipeline constructed or to be constructed for the purpose of the supply of water (including for irrigation), the drainage of land or the conveyance of waste water, mine water, aqueous slurries of minerals, mineral concentrates or mineral tailings,	14 15 16 17 18
<b>[16]</b>	<b>Section 5 (1) (g)</b>	19
	Omit “subsection (3)”. Insert instead “subsection (9)”.	20
<b>[17]</b>	<b>Section 5 (1) (h)</b>	21
	Omit “proclamation under subsection (4) or by such a proclamation, as varied by a proclamation under subsection (5)”.	22 23
	Insert instead “notification under subsection (4) or by such a notification, as varied by a notification under subsection (9)”.	24 25
<b>[18]</b>	<b>Section 5 (1)</b>	26
	Omit “permit or”	27
<b>[19]</b>	<b>Section 5 (3)</b>	28
	Omit the subsection.	29

<b>[20] Section 5 (4)</b>	1
Omit “Governor may, by proclamation” and “the proclamation”.	2
Insert instead “Minister may, by notification” and “the notification”, respectively.	3 4
<b>[21] Section 5 (5)</b>	5
Omit the subsection.	6
<b>[22] Section 5 (9)</b>	7
Omit the subsection. Insert instead:	8
(9) The Minister may vary or revoke a notification under this section by another notification published in the Gazette.	9 10
<b>[23] Section 5C Constitution of pipeline committees</b>	11
Omit section 5C (1)–(3). Insert instead:	12
(1) The Minister may appoint standing or special pipeline committees for the purpose of advising the Minister with respect to the administration of this Act.	13 14 15
(2) A pipeline committee is to consist of such members as the Minister appoints from time to time.	16 17
(3) The chairperson of a pipeline committee is to be appointed by the Minister from the members of the committee.	18 19
<b>[24] Section 5D</b>	20
Omit the section. Insert instead:	21
<b>5D Functions of pipelines committees</b>	22
The functions of a pipeline committee are:	23
(a) to investigate applications for licences that are referred to it by the Minister, and	24 25
(b) to provide advice to the Minister with respect to any other matter referred to it by the Minister.	26 27
<b>[25] Part 2, heading</b>	28
Omit “and permits”.	29

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<b>[26] Section 5E Applications for authorities to survey</b>	1
Omit section 5E (1). Insert instead:	2
(1) A person who proposes to construct a pipeline may apply to the Minister for an authority to survey.	3 4
<b>[27] Section 5E (2) (a)</b>	5
Omit the paragraph.	6
<b>[28] Section 5H</b>	7
Omit the section. Insert instead:	8
<b>5H Rights conferred by authority to survey</b>	9
While an authority to survey is in force it authorises the holder, subject to any conditions of the authority:	10 11
(a) to enter the lands specified in the authority, and	12
(b) to carry out surveys to investigate possible routes for the proposed pipeline and determine the pipeline route, the situation of any associated apparatus or works and of any lands to be used to get access to the pipeline, apparatus or works, and	13 14 15 16 17
(c) to take samples from the lands for examination and testing.	18
<b>[29] Part 2, Division 2 Permits</b>	19
Omit the Division.	20
<b>[30] Section 11 Construction and operation of pipelines</b>	21
Omit “except under and in pursuance of a licence” from section 11 (1).	22
Insert instead “unless the person is, or is acting on behalf of, the registered holder of a licence and the activity is in pursuance of the licence”.	23 24
<b>[31] Section 11 (2) (a)</b>	25
Omit the paragraph. Insert instead:	26
(a) unless the person is, or is acting on behalf of, the registered holder of a licence and the operation is in pursuance of the licence, and	27 28 29

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<b>[32] Section 11 (2A)</b>	1
Omit “except under and in pursuance of a licence under this Act”.	2
Insert instead “unless the person is, or is acting on behalf of, the registered holder of a licence under this Act and the operation is in pursuance of that licence”.	3 4 5
<b>[33] Section 12</b>	6
Omit the section. Insert instead:	7
<b>12 Application for licence</b>	8
Any person who proposes to construct a pipeline may apply to the Minister for a licence.	9 10
<b>[34] Section 13 Manner of making applications for licences</b>	11
Omit section 13 (1) (a). Insert instead:	12
(a) is to be in a form approved by the Minister,	13
<b>[35] Section 13 (1) (ga)</b>	14
Insert after section 13 (1) (g):	15
(ga) must be accompanied by evidence that the applicant has complied with any requirement on the applicant under subsection (4) to serve a copy of a notification on a public authority,	16 17 18 19
<b>[36] Section 13 (1A)</b>	20
Omit the subsection.	21
<b>[37] Section 13 (2)</b>	22
Omit the subsection. Insert instead:	23
(2) The applicant must, if required to do so by notice in writing served on the applicant by the Minister, furnish:	24 25
(a) to the Minister, and	26
(b) to each public authority (if any) on which the applicant was required, under subsection (4), to serve a copy of a notification under subsection (3),	27 28 29
within the time specified in the notice, further information in writing in connection with the application, as required by the notice.	30 31 32

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<b>[38] Section 13 (3)</b>	1
Omit “in or to the effect of the prescribed form setting forth the particulars provided for by that form in relation to the proposed application”.	2 3
Insert instead “setting out particulars of the proposed application”.	4
<b>[39] Section 13 (4)</b>	5
Omit the subsection. Insert instead:	6
(4) If the regulations so require, a copy of the notification under subsection (3) must be served by the applicant on such public authorities as may be prescribed within such period as may be prescribed.	7 8 9 10
<b>[40] Section 13A Amendment of application for licence by inclusion or exclusion of lands</b>	11 12
Omit “(whether the applicant for the licence is or has been the holder of a permit in respect of those lands or not)” from section 13A (1).	13 14
<b>[41] Section 13A (2)</b>	15
Omit “, whether before or after the commencement of section 3 of the <i>Pipelines (Amendment) Act 1977</i> ,”.	16 17
<b>[42] Section 13A (3) (a)</b>	18
Omit the paragraph. Insert instead:	19
(a) be in a form approved by the Minister,	20
<b>[43] Section 13A (4) (a)</b>	21
Omit “on lands in respect of which the applicant is or has been the holder of a permit”.	22 23
<b>[44] Section 13A (4) (d)</b>	24
Omit “and”.	25
<b>[45] Section 13A (4) (da)</b>	26
Insert after section 13A (4) (d):	27
(da) must be accompanied by evidence that the applicant has complied with any requirement on the applicant under subsection (8) to serve a copy of a notification on a public authority, and	28 29 30 31

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<b>[46] Section 13A (7)</b>	1
Omit “in or to the effect of the prescribed form setting forth the particulars provided for in that form in relation to the proposed further application”.	2 3
Insert instead “setting out particulars of the proposed further application”.	4
<b>[47] Section 13A (8) and (9)</b>	5
Omit the subsections. Insert instead:	6
(8) If the regulations so require, a copy of a notification under subsection (7) must be served by the applicant on such public authorities as may be prescribed within such period as may be prescribed.	7 8 9 10
(9) The applicant must, if required to do so by notice in writing served on the applicant by the Minister, furnish:	11 12
(a) to the Minister, and	13
(b) to each public authority (if any) on which the applicant was required, by subsection (8), to serve a copy of a notification under subsection (7),	14 15 16
within the time specified in the notice, further information in writing in connection with the application, as required by the notice.	17 18 19
<b>[48] Section 13A (11) (b) and (12) (b)</b>	20
Omit “section 12 (1)” wherever occurring. Insert instead “section 12”.	21
<b>[49] Section 13B Amendment of application for licence in other cases</b>	22
Omit “, whether before or after the commencement of section 3 of the <i>Pipelines (Amendment) Act 1977</i> ,” from section 13B (1).	23 24
<b>[50] Section 13B (3) and (4)</b>	25
Omit the subsections. Insert instead:	26
(3) If the regulations so require, a copy of an instrument served on the Minister under subsection (1) must be served by the applicant on such public authorities as may be prescribed within such period as may be prescribed.	27 28 29 30
(4) The applicant must, if required to do so by notice in writing served on the applicant by the Minister, furnish:	31 32
(a) to the Minister, and	33

(b) to each public authority (if any) on which the applicant was required, by subsection (3), to serve a copy of an instrument under subsection (1),  
 within the time specified in the notice, further information in writing in connection with the application, as required by the notice.

**[51] Section 14**

Omit the section. Insert instead:

**14 Grant of licence**

(1) If the Minister is satisfied that:

(a) an application for a licence has been made in compliance with section 13 (or if there was a non-compliance, it was in respect of a requirement of section 13 (1) or (2) and was not material), and

(b) if that application was amended, the application for the amendment was made in compliance with section 13A (or if there was a non-compliance, it was in respect of a requirement of section 13A (3), (4), (5) or (9) and was not material), and

(c) if an instrument has been served on the Minister under section 13B, the instrument complied with section 13B, and

(d) the lands, or the easements, specified in the application for the licence:

(i) are vested in the applicant, or

(ii) are available, in accordance with section 22, for compulsory acquisition, and

(e) the applicant has made provision, or given security in addition to any other security required by this Act, for the payment:

(i) of compensation and any interest payable in respect of any lands, or easements, that are available for compulsory acquisition, and

(ii) of all charges and expenses necessary for or incidental to the compulsory acquisition of those lands or easements,

the Minister may grant a licence in relation to the lands, including those the subject of easements, specified in the application or such of those lands as he or she thinks fit.

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(2)	The Minister may refuse an application for a licence, but only if the Minister has:	1
	(a) given the applicant at least one month's written notice of his or her intention to refuse the application, and	2
	(b) served a copy of the notice on such other persons, if any, as he or she thinks fit, and	3
	(c) in the notice:	4
	(i) given particulars of the reasons for the intention, and	5
	(ii) specified a period within which the applicant or a person on whom a copy of the notice is served may make written submissions to the Minister with respect to the application, and	6
	(d) taken into account any written submissions made to the Minister within the specified period.	7
(3)	If an application for a licence is refused, the whole, or such part as the Minister determines, of the fee referred to in section 13 (1) (i) is to be refunded to the applicant.	8
<b>[52]</b>	<b>Section 15 Conditions of licence</b>	9
	Omit "Governor" from section 15 (1). Insert instead "Minister".	10
<b>[53]</b>	<b>Section 16 Renewal of licence</b>	11
	Omit the section.	12
<b>[54]</b>	<b>Section 17 Duration, review and effect of licence</b>	13
	Omit section 17 (1). Insert instead:	14
	(1) A licence comes into force on the day specified for the purpose in the licence and remains in force until it is cancelled or surrendered.	15
	(1A) The Minister may review a licence at intervals of not less than 21 years, with the first review of a licence commencing after the twenty-first anniversary of the issue of the licence.	16
<b>[55]</b>	<b>Section 18 Variation of licence area</b>	17
	Omit "by an application to the Governor made by instrument in writing served on the Minister, apply" from section 18 (2).	18
	Insert instead "apply to the Minister in writing".	19
<b>[56]</b>	<b>Section 18 (3) (a)</b>	20
	Omit the paragraph.	21

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<b>[57] Section 18 (4) (a) (i)</b>	1
Omit “on lands in respect of which the applicant is or has been, as mentioned in section 12 (1), the holder of a permit”.	2 3
<b>[58] Section 18 (4) (d)</b>	4
Omit “and”.	5
<b>[59] Section 18 (4) (da)</b>	6
Insert after section 18 (4) (d):	7
(da) must be accompanied by evidence that the applicant has complied with any requirement on the applicant under subsection (8) to serve a copy of a notification on a public authority, and	8 9 10 11
<b>[60] Section 18 (7)</b>	12
Omit “in or to the effect of the prescribed form setting forth the particulars provided for by that form in relation to the proposed application”.	13 14
Insert instead “setting out particulars of the proposed application”.	15
<b>[61] Section 18 (8) and (9)</b>	16
Omit the subsections. Insert instead:	17
(8) If the regulations so require, a copy of a notification under subsection (7) must be served on such public authorities as may be prescribed.	18 19 20
(9) The applicant must, if required to do so by notice in writing served on the applicant by the Minister, furnish:	21 22
(a) to the Minister, and	23
(b) to each public authority (if any) on which the applicant was required, under subsection (8), to serve a copy of a notification under subsection (7),	24 25 26
within the time specified in the notice, further information in writing in connection with the application, as required by the notice.	27 28 29
<b>[62] Section 19</b>	30
Omit the section. Insert instead:	31
<b>19 Grant of application for variation</b>	32
(1) If an application is made for a variation of a licence area by including additional lands and the Minister is satisfied that:	33 34

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(a)	the application was made in compliance with section 18 (or if there was a non-compliance, it was in respect of a requirement of section 18 (3), (4), (5) or (9) and was not material), and	1 2 3 4
(b)	the lands, or the easements, specified in the application:	5
(i)	are vested in the applicant, or	6
(ii)	are available, in accordance with section 22, for compulsory acquisition, and	7 8
(c)	the applicant has made provision, or given security in addition to any other security required by this Act, for the payment:	9 10 11
(i)	of compensation and any interest payable in respect of any lands, or easements, that are available for compulsory acquisition, and	12 13 14
(ii)	of all charges and expenses necessary for or incidental to the compulsory acquisition of those lands or easements,	15 16 17
	the Minister may:	18
(d)	where the application is for a variation (not being a minor variation, as defined in section 18 (1)) of the licence area, or	19 20 21
(e)	where the application is for a minor variation, after taking into account any written submissions made under section 18 (10) (c),	22 23 24
	grant the application in relation to the lands, including those the subject of easements, specified in the application, or such of those lands as he or she thinks fit.	25 26 27
(2)	The Minister may refuse an application made under section 18 (4), but only if, before refusing the application, the Minister has:	28 29 30
(a)	given the applicant at least one month's written notice of the intention to refuse the application, and	31 32
(b)	served a copy of the notice on such other persons, if any, as he or she thinks fit, and	33 34
(c)	in the notice:	35
(i)	given particulars of the reasons for the intended refusal, and	36 37
(ii)	specified a period within which the applicant or a person on whom a copy of the notice is served may make written submissions to the Minister with respect to the application, and	38 39 40 41

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(d) taken into account any written submissions made to the Minister within the specified period.	1 2
(3) If an application is made for a variation of the licence area by excluding lands, the Minister may, after taking into account any written submissions made under section 18 (10) (c), grant the application to such extent as he or she thinks fit.	3 4 5 6
(4) If a licence area is varied:	7
(a) by including additional lands, the additional lands are, for the purposes of this Act, taken to be lands specified in the licence in respect of that licence area, or	8 9 10
(b) by excluding lands, the excluded lands are, for the purposes of this Act, taken not to be lands specified in the licence in respect of that licence area.	11 12 13
(5) If an application under section 18 is refused, the whole, or such part as the Minister determines, of the fee referred to in section 18 (3) (d) is to be refunded to the applicant.	14 15 16
(6) An application for the variation of a licence area by including additional lands may be granted subject to such conditions as the Minister thinks fit and specifies in the instrument granting the application.	17 18 19 20
(7) Without limiting the generality of subsection (6), the conditions may include any of the kind referred to in section 15 (2).	21 22
(8) If an application is made for the variation of a licence area by both including additional lands and excluding lands, the provisions of section 18 that are applicable to an application for a variation:	23 24 25 26
(a) including additional lands, and the provisions of this section that are applicable to the granting of such an application, apply in respect of so much of the application and its granting as relates to the inclusion of additional lands, and	27 28 29 30 31
(b) excluding lands, and the provisions of this section that are applicable to the granting of such an application, apply in respect of so much of the application and its granting as relates to the exclusion of lands.	32 33 34 35
<b>[63] Section 21 Vesting of lands or easements in licensee</b>	36
Omit “Governor” from section 21 (1). Insert instead “Minister”.	37

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<b>[64] Section 22 Availability of certain land etc for compulsory acquisition</b>	1
Omit “grants a certificate referred to in section 14 (1) or section 19 (1)” from section 22 (1) (a) (i) and (c) wherever occurring.	2 3
Insert instead “determines an application under section 14 or 19”.	4
<b>[65] Section 22 (1) (a) (ii) and (b) (ii)</b>	5
Omit “referred to the Governor” wherever occurring.	6
Insert instead “determined by the Minister”.	7
<b>[66] Section 22 (1) (b) (i)</b>	8
Omit “grants a certificate referred to in section 14 (1) or section 19 (1) (or, if the public authority and the owner have agreed that the land is available for acquisition, at any time before the Minister grants such a certificate)”.	9 10 11
Insert instead “determines an application under section 14 or 19 (or, if the public authority and the owner have agreed that the land is available for acquisition, at any time before the Minister makes such a determination)”.	12 13 14
<b>[67] Section 22A Compensation</b>	15
Omit “a Constructing Authority” from section 22A (4).	16
Insert instead “an authority”.	17
<b>[68] Section 23 Directions as to the conveyance of substances</b>	18
Omit section 23 (2) (a).	19
<b>[69] Section 23 (7)</b>	20
Insert “as defined by the <i>Gas Pipelines Access (New South Wales) Act 1998</i> ” after “Law”.	21 22
<b>[70] Section 30</b>	23
Omit the section. Insert instead:	24
<b>30 Variation of, and exemption from, licence conditions etc</b>	25
Where:	26
(a) a licence area or a licence is varied under section 19, or	27
(b) a licensee enters into an agreement referred to in section 23, or	28 29
(c) a licence is cancelled as to part of the pipeline in respect of which it is in force, or	30 31

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(d)	a licensee applies to the Minister for a variation or suspension of, or exemption from compliance with, any of the conditions of the licence, or	1 2 3
(e)	the Minister reviews a licence under this Act, or	4
(f)	the Minister, under this Act or the regulations, gives a direction or consent to a licensee,	5 6
	the Minister may, at any time, by instrument in writing served on the licensee, vary or suspend, or exempt the licensee from compliance with, any of the conditions to which the licence is subject, upon such conditions, if any, as the Minister specifies in the instrument.	7 8 9 10 11
<b>[71]</b>	<b>Section 31 Surrender of licences</b>	12
	Omit “by an application to the Governor made by an instrument in writing served on the Minister, apply” from section 31 (1).	13 14
	Insert instead “apply to the Minister in writing”.	15
<b>[72]</b>	<b>Section 31 (3) and (4)</b>	16
	Omit “Governor” wherever occurring. Insert instead “Minister”.	17
<b>[73]</b>	<b>Section 31A Inquiries into matters relating to pipelines</b>	18
	Omit “Authority” wherever occurring.	19
	Insert instead “Director-General”.	20
<b>[74]</b>	<b>Section 31A (3)</b>	21
	Omit “it”. Insert instead “the Director-General”.	22
<b>[75]</b>	<b>Section 32 Cancellation of licences for breach of conditions, this Act or the regulations or non-payment of amounts due</b>	23 24
	Omit “Governor” from section 32 (1). Insert instead “Minister”.	25
<b>[76]</b>	<b>Section 32 (2)</b>	26
	Omit the subsection. Insert instead:	27
(2)	The Minister is not to cancel a licence unless the Minister has:	28
(a)	given the licensee at least one month’s written notice of the intention to cancel the licence and the grounds for that intention, and	29 30 31
(b)	served a copy of the notice on such other persons, if any, as he or she thinks fit, and	32 33

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(c)	specified in the notice a period within which the licensee or any person on whom a copy of the notice is served may make written submissions to the Minister with respect to the intended cancellation, and	1 2 3 4
(d)	published in such newspapers as the Minister thinks fit notice of the intended cancellation and grounds, specifying a period within which any person with an interest in land in the licence area may make written submissions to the Minister with respect to the intended cancellation, and	5 6 7 8 9
(e)	taken into account:	10
(i)	any action taken by the licensee to remove the grounds for the intended cancellation or to prevent the recurrence of similar grounds, and	11 12 13
(ii)	any written submissions made to the Minister within the relevant specified period.	14 15
<b>[77]</b>	<b>Section 33 Cancellation of licence in public interest</b>	16
	Omit section 33 (1)–(3). Insert instead:	17
(1)	The Minister may, by written notice served on the licensee, cancel a licence if the Minister considers the cancellation to be in the public interest.	18 19 20
(2)	The cancellation may be:	21
(a)	of the Minister’s own motion, or	22
(b)	on the written recommendation of any State or Commonwealth Minister or any body established by a law of the State or of the Commonwealth, but only if the Minister or body has given security, to the satisfaction of the Minister, for the payment of any amount payable to the licensee under subsection (6).	23 24 25 26 27 28
(3)	The cancellation:	29
(a)	may be with respect to the whole or part of the pipeline in respect of which the licence is in force, and	30 31
(b)	takes effect on and from the day specified in the notice of cancellation.	32 33
(3A)	In determining when the cancellation is to take effect the Minister is to consider:	34 35
(a)	if there was a recommendation for the cancellation, the reasons for the recommendation, and	36 37
(b)	the public interest, and	38

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	(c) the time it would be likely to take the licensee to replace the pipeline or part of the pipeline as to which the licence is cancelled.	1 2 3
<b>[78]</b>	<b>Section 33 (4)</b>	4
	Omit the subsection. Insert instead:	5
	(4) If a licence is cancelled under subsection (1), the licensee may bring proceedings in the Supreme Court:	6 7
	(a) where the cancellation was of the Minister’s own motion, against the Minister, or	8 9
	(b) where the cancellation was on a recommendation of a Minister or body, against the Minister or body concerned.	10 11
<b>[79]</b>	<b>Section 40 Certain provisions of Local Government Act 1993 not to apply to pipelines</b>	12 13
	Omit section 40 (2).	14
<b>[80]</b>	<b>Part 4, heading</b>	15
	Omit “permits and”.	16
<b>[81]</b>	<b>Section 41 Register of licences to be kept</b>	17
	Omit “General Manager of the Authority” wherever occurring.	18
	Insert instead “Director-General”.	19
<b>[82]</b>	<b>Section 41 (1)</b>	20
	Omit “permits and”.	21
<b>[83]</b>	<b>Section 41 (2) and (3)</b>	22
	Omit “permit or licence” wherever occurring. Insert instead “licence”.	23
<b>[84]</b>	<b>Section 41 (2) (b)</b>	24
	Omit the paragraph.	25
<b>[85]</b>	<b>Section 41 (2) (c)</b>	26
	Omit “in the case of a licence,”.	27
<b>[86]</b>	<b>Section 41 (2) (f)</b>	28
	Omit “permittee or”.	29
<b>[87]</b>	<b>Section 41 (3) (a)</b>	30
	Omit “permit or a licence”. Insert instead “licence”.	31

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<b>[88] Section 41 (4)–(6)</b>	1
Omit “permit,” wherever occurring.	2
<b>[89] Section 42 Approval and registration of transfers</b>	3
Omit “permit or a” wherever occurring in section 42 (1) and (2).	4
<b>[90] Section 42 (2), (3) and (9)</b>	5
Omit “permit or licence” wherever occurring. Insert instead “licence”.	6
<b>[91] Section 42 (3) (a) (i)</b>	7
Omit the subparagraph. Insert instead:	8
(i) in a form approved by the Minister, and	9
<b>[92] Section 42 (4), (8) and (10)</b>	10
Omit “General Manager of the Authority” wherever occurring.	11
Insert instead “Director-General”.	12
<b>[93] Section 42 (4)</b>	13
Omit “General Manager thinks”. Insert instead “Director-General thinks”.	14
<b>[94] Section 42 (5)</b>	15
Omit “permit or licence and, in the case of a transfer of a licence,”.	16
Insert instead “licence and”.	17
<b>[95] Section 43 Entries in register on devolution of rights of registered holder</b>	18
Omit “permit or a” from section 43 (1).	19
<b>[96] Section 43</b>	20
Omit “permit or licence” wherever occurring. Insert instead “licence”.	21
<b>[97] Section 43 (2)</b>	22
Omit “General Manager of the Authority”. Insert instead “Director-General”.	23
<b>[98] Section 44 Interests not to be created etc except by instruments in writing</b>	24
	25
Omit “permit or”.	26
<b>[99] Section 45 Approval and registration of instruments creating etc interests</b>	27
	28
Omit “permit or” wherever occurring.	29

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<b>[100] Sections 45 and 47</b>	1
Omit “General Manager of the Authority” wherever occurring.	2
Insert instead “Director-General”.	3
<b>[101] Section 45 (5)</b>	4
Omit “General Manager thinks”. Insert instead “Director-General thinks”.	5
<b>[102] Section 50 Inspection of register and documents</b>	6
Omit “permit or” wherever occurring in section 50 (2).	7
<b>[103] Section 50A Pipeline searches</b>	8
Omit “permit or” from section 50A (1).	9
<b>[104] Section 50A (1) and (2)</b>	10
Omit “Director” wherever occurring. Insert instead “Director-General”.	11
<b>[105] Section 50A (3)</b>	12
Omit the subsection.	13
<b>[106] Section 53 Minister not liable for certain actions</b>	14
Omit “General Manager of the Authority” wherever occurring.	15
Insert instead “Director-General”.	16
<b>[107] Section 55 Forms of permits and licences</b>	17
Omit the section.	18
<b>[108] Section 56</b>	19
Omit the section. Insert instead:	20
<b>56 Notice of grants of licences etc to be publicised</b>	21
The Minister is to cause to be published in the Gazette such	22
particulars as the Minister thinks fit of the grant, variation,	23
surrender or expiration of a licence or the variation of a licence	24
area.	25
<b>[109] Section 57 Judicial notice</b>	26
Omit “General Manager of the Authority” wherever occurring.	27
Insert instead “Director-General”.	28

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<b>[110]</b>	<b>Section 60 Powers of inspectors</b>	1
	Omit “a permit”. Insert instead “an authority to survey”.	2
<b>[111]</b>	<b>Section 60 (1) (d)</b>	3
	Omit “permittee or”.	4
	Insert instead “holder of an authority to survey or a”.	5
<b>[112]</b>	<b>Section 60A Stop notices</b>	6
	Omit “Authority” wherever occurring in section 60A (2) and (3).	7
	Insert instead “Director-General”.	8
<b>[113]</b>	<b>Section 61 Creation of easements in favour of licensees</b>	9
	Omit “permittee or” wherever occurring.	10
<b>[114]</b>	<b>Section 69 Regulations</b>	11
	Insert after section 69 (1) (e1):	12
	(e2) particulars to be included in a notification under this Act,	13
<b>[115]</b>	<b>Section 69 (3) (b)</b>	14
	Omit “or”.	15
<b>[116]</b>	<b>Section 69 (3) (d)</b>	16
	Insert after section 69 (3) (c):	17
	or	18
	(d) apply, adopt or incorporate any publication or provision of	19
	a publication of Standards Australia with respect to	20
	pipeline design, construction, operation, testing or	21
	maintenance, either as in force as at a particular day or as	22
	in force for the time being,	23
<b>[117]</b>	<b>Schedule 1 Savings, transitional and other provisions</b>	24
	Insert at the end of clause 1 (1):	25
	<i>Pipelines Amendment Act 2006</i>	26

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<b>[118] Schedule 1</b>	1
Insert after Part 2:	2
<b>Part 3 Provisions consequent on enactment of Pipelines Amendment Act 2006</b>	3
	4
<b>4 Definitions</b>	5
In this Part:	6
<i>amending Act</i> means the <i>Pipelines Amendment Act 2006</i> .	7
<i>EP&amp;A Act</i> means the <i>Environmental Planning and Assessment Act 1979</i> .	8
<i>EP&amp;A Act approval</i> means development consent or an approval under the EP&A Act.	9
<i>relevant time</i> means immediately before the repeal of Division 2 of Part 2 of this Act by the amending Act.	10
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<b>5 Permits and pending applications for or in respect of permits</b>	14
Except as provided by the regulations, the provisions of this Act as in force at the relevant time continue to apply to and in respect of:	15
	16
	17
(a) a permit that is in force at the relevant time, and	18
(b) an application for or in respect of a permit that is pending at the relevant time.	19
	20
<b>6 Licence application in respect of lands to which permit applies</b>	21
(1) Subject to subclause (2) and the regulations, the provisions of this Act as in force at the relevant time continue to apply in respect of an application for or in respect of a licence that is pending at, or made after, the relevant time if the application relates to lands in respect of which a permit under this Act has been granted.	22
	23
	24
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	26
(2) Any function conferred on the Governor by or under this Act as in force at the relevant time is taken to be conferred instead on the Minister in so far as an application to which subclause (1) applies is concerned.	27
	28
	29
	30
<b>7 Duration, review and effect of existing licences</b>	31
(1) Subject to clause 6 and the regulations, an amendment made by the amending Act applies to and in respect of a licence in force immediately before the commencement of that amendment.	32
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(2)	Section 17 (1A) of this Act applies in respect of a licence that was renewed before the commencement of that subsection as if the date of the last renewal were the date on which the licence was issued.	1 2 3 4
<b>8</b>	<b>Deemed EP&amp;A Act approvals and assessment</b>	5
(1)	This clause applies to a development or an activity in respect of a pipeline that on the commencement of a provision of the amending Act ( <i>the commencement</i> ) becomes a development or an activity that requires EP&A Act approval ( <i>the affected activity</i> ).	6 7 8 9 10
(2)	If:	11
(a)	before the commencement, a permit is granted with respect to the affected activity, or	12 13
(b)	at any time (including before the commencement), a licence is granted in respect of the affected activity and the licence relates to land in respect of which a permit has been granted, any EP&A Act approval required in respect of the affected activity is taken to have been granted, and all associated assessment is taken to have been carried out, in accordance with the EP&A Act.	14 15 16 17 18 19 20 21
(3)	The EP&A Act approval is taken to be subject to the same conditions as the licence or permit, as the case may be.	22 23
(4)	The provisions of the EP&A Act apply, as appropriate, in respect of EP&A Act approvals that are taken, by subclause (2), to have been granted.	24 25 26
(5)	This clause applies subject to the regulations.	27
<b>9</b>	<b>Approved forms</b>	28
	A reference in a provision of this Act as amended by the amending Act to a form approved by the Minister is taken to be a reference to a form prescribed for the purposes of that provision immediately before the commencement of that amendment until a form is approved by the Minister for the purposes of that provision.	29 30 31 32 33 34

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**Schedule 2      Amendment of Environmental Planning  
and Assessment Act 1979**

1  
2

(Section 4)

3

**Section 75V Approvals etc legislation that must be applied consistently**

4

Insert after section 75V (1) (f):

5

(g) a licence under the *Pipelines Act 1967*.

6