

## PIPELINES (AMENDMENT) BILL 1985

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Land and Environment Court (Pipelines) Amendment Bill 1985 is cognate with this Bill.

The objects of this Bill are—

- (a) to enable the Minister administering the Pipelines Act 1967 ("the Principal Act") to delegate certain functions under the Principal Act to the General Manager of the Energy Authority;
- (b) to enable the licensing provisions of the Principal Act to be extended to certain kinds of pipeline that are not presently required to be the subject of a licence;
- (c) to enable the Minister to appoint committees to provide advice in relation to the granting of permits and licences under the Principal Act;
- (d) to enable the Minister to grant "authorities to survey" to persons intending to construct pipelines;
- (e) to vary the provisions of the Principal Act with respect to the manner in which the environmental impact of a proposed pipeline will be considered when an application for a permit under the Principal Act is being determined;
- (f) to enable the creation of "restrictions as to user" in relation to lands the subject of a licence under the Principal Act;
- (g) to provide for the extinguishment of certain easements and restrictions as to user in force under the Principal Act;
- (h) to provide for the holding of inquiries into matters relating to the design, construction, operation, and maintenance of pipelines and for the obtaining of evidence in relation to such inquiries;
- (i) to enable an inspector to prohibit persons from carrying out, on lands the subject of a licence, activities which are likely to damage a pipeline;
- (j) to increase various penalties imposed by the Principal Act;
- (k) to make certain amendments to the Principal Act by way of statute law revision;

- (l) to make certain other amendments of a minor, ancillary or consequential nature; and
- (m) to enact certain savings, transitional and other provisions.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 consists of a commencement provision for the purposes of the proposed Act. Aside from the provisions of Schedule 2 (which are to commence on such day or days as the Governor-in-Council may appoint), the proposed Act will commence on the date of assent to the proposed Act.

Clause 3 defines the Principal Act.

Clause 4 lists the Schedules to the proposed Act.

Clause 5 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 6 is a formal provision that gives effect to the Schedule of savings, transitional and other provisions.

#### SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE DELEGATION OF FUNCTIONS OF THE MINISTER

Schedule 1 (1) (a) inserts a definition of "Authority" (meaning the Energy Authority of New South Wales) into section 3 (1) of the Principal Act.

Schedule 1 (1) (b) omits from section 3 (1) of the Principal Act the definitions of "Registrar" and "Under Secretary".

Schedule 1 (1) (c) inserts a minor interpretation provision into section 3 (1) of the Principal Act consequent upon the insertion into Part I of the Principal Act by Schedule 1 (2) of a proposed section 4A.

Schedule 1 (2) inserts into Part I of the Principal Act a new section 4A which provides for the delegation to the General Manager of the Energy Authority of certain of the Minister's functions under the Principal Act.

Schedule 1 (3)—(9) make minor amendments to sections 37, 38, 41, 42, 43, 45, 47, 53 and 57 of the Principal Act consequent upon the amendments made by Schedule 1 (1) and (2).

#### SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

Schedule 2 (1) (a) amends the definition of "apparatus or works" in section 3 (1) of the Principal Act so as to ensure that certain fittings and structures come within the ambit of that definition.

Schedule 2 (1) (b) inserts a definition of "authority to survey" into section 3 (1) of the Principal Act consequent upon the insertion into Part II of the Principal Act by Schedule 2 (6) of a proposed Division 1.

Schedule 2 (1) (c) amends the definition of "permit" in section 3 (1) of the Principal Act consequent upon the insertion into Part II of the Principal Act by Schedule 2 (6) of a proposed Division 1.

Schedule 2 (1) (d) inserts a definition of "pipeline committee" into section 3 (1) of the Principal Act consequent upon the insertion into the Principal Act by Schedule 2 (4) of a proposed Part IA.

Schedule 2 (2) amends section 5 (1) of the Principal Act consequent upon the insertion into Part I of the Principal Act by Schedule 2 (3) of a proposed section 5A.

Schedule 2 (3) inserts 2 new sections into Part I of the Principal Act:

- (a) Proposed section 5A enables the Minister to make an order that has the effect of requiring a licence to be obtained in respect of certain kinds of pipeline for which, but for the order, a licence would not otherwise be required.
- (b) Proposed section 5B enables the Minister to make an order requiring the operator of certain kinds of pipeline to furnish the Minister with specified kinds of information.

Schedule 2 (4) inserts a new Part IA (containing 2 new sections) into the Principal Act:

- (a) Proposed section 5C enables the Minister to appoint committees, constituted by members nominated by various public authorities, for the purpose of advising the Minister in relation to the granting of permits and licences under the Principal Act.
- (b) Proposed section 5D sets out the functions of a committee appointed under the proposed section 5C.

Schedule 2 (5) amends the heading to Part II of the Principal Act consequent upon the insertion into that Part by Schedule 2 (6) of a proposed Division 1.

Schedule 2 (6) inserts a new Division 1 (containing 4 new sections) into Part II of the Principal Act:

- (a) Proposed section 5E enables persons desiring to construct a pipeline to apply to the Minister for an authority to enter lands for the purpose of investigating possible routes for the proposed pipeline.
- (b) Proposed section 5F provides for the granting of authorities to survey.
- (c) Proposed section 5G provides for the terms and conditions of authorities to survey granted under proposed section 5F.
- (d) Proposed section 5H sets out the rights conferred by an authority to survey granted under proposed section 5F.



Schedule 2 (7) inserts a Division heading into Part II of the Principal Act consequent upon the insertion into that Part by Schedule 2 (6) of a proposed Division 1.

Schedule 2 (8) amends section 8 of the Principal Act so as to provide that the provisions of Part V of the Environmental Planning and Assessment Act 1979 shall apply to the granting of a permit under Part II of the Principal Act.

Schedule 2 (9) amends section 12 (1) of the Principal Act so as to extend the period of time, from 6 months to 12 months, within which an application for a licence under Part III of the Principal Act must be made following the expiration of a permit under Part II of the Principal Act.

Schedule 2 (10) amends section 20 (1) of the Principal Act so as to require the lodgment, at the office of the Registrar-General, of instruments setting out any restrictions as to user to be imposed in respect of certain easements.

Schedule 2 (11) substitutes section 21 (1) and (2) of the Principal Act so as to provide for the creation of restrictions as to user in respect of easements proposed to be created by notification published in the Gazette by the Governor-in-Council.

Schedule 2 (12) inserts a proposed section 21A into the Principal Act so as to provide for the extinguishment of certain easements and restrictions as to user following the variation of lands the subject of a licence under Part III of the Principal Act.

Schedule 2 (13) amends section 24 of the Principal Act so as to ensure that the defences available under that section in relation to the failure to operate a pipeline apply where the licensee of the pipeline is complying with certain directions under the Principal Act.

Schedule 2 (14) inserts 2 new sections into Part III of the Principal Act:

- (a) Proposed section 31A provides for the conduct by the Energy Authority of inquiries in relation to the design, construction, operation and maintenance of pipelines.
- (b) Proposed section 31B provides for the powers of any person conducting an inquiry under proposed section 31A with respect to the obtaining of evidence.

Schedule 2 (15) inserts a proposed section 33A into Part III of the Principal Act so as to provide for the extinguishment of certain easements and restrictions as to user following the surrender or cancellation of a licence under that Part.

Schedule 2 (16) amends section 37 (1) of the Principal Act so as to increase the amount of the fee referred to in that subsection from \$100 to \$200.

Schedule 2 (17) amends section 40 of the Principal Act so as to ensure that the provisions of the Environmental Planning and Assessment Act 1979 do not, in general, apply to or in respect of any matter relating to the construction or operation of a pipeline.

Schedule 2 (18) (a) substitutes section 42 (3) of the Principal Act so as to require an application for the approval of a transfer of a permit or licence to be accompanied by certain particulars in relation to the proposed transferee.



Schedule 2 (18) (b) amends section 42 (5) of the Principal Act so as to ensure that the transfer of a licence may not be approved unless satisfactory arrangements have been made for the acquisition by the transferee of the lands, or easements over the lands, along which the pipeline is situated.

Schedule 2 (19) amends section 43 (2) of the Principal Act so as to provide that the fee referred to in that subsection shall be as prescribed by regulations under the Principal Act.

Schedule 2 (20) substitutes section 45 (4) of the Principal Act so as to require an application for registration of various kinds of instrument creating interests in a permit or licence to be accompanied by certain particulars in relation to the person in whom those interests are proposed to be vested.

Schedule 2 (21) amends section 50 (2) of the Principal Act so as to clarify the circumstances under which the Minister may refuse to allow the inspection of certain instruments kept in the register under the Principal Act.

Schedule 2 (22) inserts a proposed section 58A into Part V of the Principal Act so as to enable the Minister to require certain public authorities to exercise certain functions within specified times and to empower those public authorities to comply with any such requirement.

Schedule 2 (23) inserts 3 new sections into Part V of the Principal Act:

- (a) Proposed section 60A enables an inspector under the Principal Act to prohibit persons from carrying out, on lands the subject of a licence, any activity which is likely to damage a pipeline. Such a prohibition will operate for a period of 14 days unless it is confirmed by the Energy Authority which may also vary or revoke the prohibition.
- (b) Proposed section 60B enables a person whose interests are affected by a prohibition under proposed section 60A to appeal to the Land and Environment Court against the prohibition.
- (c) Proposed section 60C ensures that an inspector under the Principal Act is not personally liable for acts or omissions done or omitted to be done by the inspector in good faith in the exercise of the functions conferred or imposed on the inspector by or under the Principal Act.

Schedule 2 (24) amends section 69 of the Principal Act so as to enable regulations to be made with respect to the circumstances under which pipelines shall cease to be operated and with respect to the carrying out of surveys under that Act.

### SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO PENALTIES

This Schedule amends sections 11, 23, 24, 26, 27, 28, 35, 46, 48, 49, 59, 60, 64, 65, 68 and 69 of the Principal Act so as to increase the penalties imposed in respect of offences arising under those respective sections.

SCHEDULE 4—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION

This Schedule amends sections 3, 13, 18, 38 and 69 of the Principal Act so as to effect minor amendments by way of statute law revision.

SCHEDULE 5—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

This Schedule includes—

- (a) savings provisions, in relation to the register kept under Part IV of the Principal Act, that arise as a consequence of the amendments to be made by Schedule 1 (clause 1);
  - (b) a transitional provision that excludes certain applications for permits from the effect of the amendments to be made by Schedule 2 (8) (clause 2);
  - (c) a transitional provision that excludes certain applications for transfers of permits and licences from the effect of the amendments to be made by Schedule 2 (18) (clause 3);
  - (d) a transitional provision that excludes certain applications for registration of instruments creating interests in licences from the effect of the amendment to be made by Schedule 2 (20) (clause 4);
  - (e) a validation of certain instruments that purport to have created easements under section 61 of the Principal Act (clause 5); and
  - (f) a power to make regulations for further savings and transitional provisions (clause 6).
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# PIPELINES (AMENDMENT) BILL 1985

No.      , 1985

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## A BILL FOR

An Act to amend the Pipelines Act 1967 with respect to the delegation of functions under that Act, the granting of authorities to survey and the protection of public safety, and with respect to penalties and other matters; and for certain other purposes.

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See also Land and Environment Court (Pipelines) Amendment Bill 1985.



*Pipelines (Amendment) 1985*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

1. This Act may be cited as the "Pipelines (Amendment) Act 1985".

**Commencement**

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.
- 10 (2) Section 5, in its application to a provision of Schedule 2, shall commence on the day on which the provision commences.
- (3) The several provisions of Schedule 2 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**15 Principal Act**

3. The Pipelines Act 1967 is referred to in this Act as the Principal Act.

**Schedules**

4. This Act contains the following Schedules:

20 SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT WITH  
RESPECT TO THE DELEGATION OF FUNCTIONS OF THE  
MINISTER

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT

25 SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT WITH  
RESPECT TO PENALTIES

SCHEDULE 4—AMENDMENTS TO THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION

SCHEDULE 5—SAVINGS, TRANSITIONAL AND OTHER  
PROVISIONS

*Pipelines (Amendment) 1985***Amendment of Act No. 90, 1967**

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

**Savings, transitional and other provisions**

5 6. Schedule 5 has effect.

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SCHEDULE 1

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER

10 (1) (a) Section 3 (1), definition of "Authority"—

After the definition of "apparatus or works", insert:

"Authority" means the Energy Authority of New South Wales  
constituted under the Energy Authority Act 1976;

(b) Section 3 (1), definitions of "Registrar", "Under Secretary"—

15 Omit the definitions.

(c) Section 3 (1A)—

After section 3 (1), insert:

(1A) In this Act—

20 (a) a reference to a function includes a reference to a power,  
authority and duty; and

(b) a reference to the exercise of a function includes, where  
the function is a duty, a reference to the performance of  
the duty.

*Pipelines (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

## (2) Section 4A—

After section 4, insert:

**Delegation of Minister's functions**

5 4A. (1) The Minister may delegate to the General Manager of the Authority the exercise of such of the Minister's functions under this Act as may be prescribed, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

10 (b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Minister.

(3) The General Manager of the Authority is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

15 (4) A function delegated under this section, when exercised by the General Manager of the Authority, shall be deemed to have been exercised by the Minister.

(5) A delegation under this section does not prevent the exercise of a function by the Minister.

20 (6) A function purporting to have been exercised by the General Manager of the Authority under this section shall, until the contrary is proved, be deemed to have been duly exercised by the General Manager under this section.

25 (7) Section 7A of the Energy Authority Act 1976 applies to and in respect of a function delegated to the General Manager of the Authority under this section in the same way as it applies to and in respect of a function delegated to the General Manager under section 7A (1) of that Act.

## (3) Sections 37 (1), 38—

30 Omit "to the Under Secretary" wherever occurring.



*Pipelines (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

- (4) (a) Section 41 (subsections (2) (f) and (6) excepted)—  
Omit “Registrar” wherever occurring, insert instead “General  
Manager of the Authority”.
- (b) Section 41 (2) (f)—  
5 Omit “Under Secretary”, insert instead “General Manager of the  
Authority”.
- (c) Section 41 (2) (f)—  
Omit “and directs the Registrar to enter in the register”.
- (d) Section 41 (6)—  
10 Omit “The Registrar shall endorse”, insert instead “The General  
Manager of the Authority shall cause to be endorsed”.
- (5) (a) Section 42—  
Omit “Registrar” wherever occurring, insert instead “General  
Manager of the Authority”.
- 15 (b) Section 42 (4)—  
Omit “as may be directed by the Under Secretary”, insert instead  
“as the General Manager thinks fit”.
- (6) Section 43 (2)—  
Omit “Registrar”, insert instead “General Manager of the  
20 Authority”.
- (7) (a) Section 45—  
Omit “Registrar” wherever occurring, insert instead “General  
Manager of the Authority”.

*Pipelines (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

## (b) Section 45 (5)—

Omit “as may be directed by the Under Secretary”, insert instead  
“as the General Manager thinks fit”.

## (8) Sections 47, 53—

5 Omit “Registrar” wherever occurring, insert instead “General  
Manager of the Authority”.

## (9) Section 57—

10 Omit “, the Under Secretary or the Registrar” wherever  
occurring, insert instead “or the General Manager of the  
Authority”.

## SCHEDULE 2

(Sec. 5)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

15 (1) (a) Section 3 (1), paragraph (c) of the definition of “apparatus or  
works”—

After “machinery”, insert “(including any associated fittings and  
structures)”.

(b) Section 3 (1), definition of “authority to survey”—

Before the definition of “Crown lands”, insert:

20 “authority to survey” means an authority to enter lands and  
carry out surveys granted by the Minister under Division  
1 of Part II;

(c) Section 3 (1), definition of “permit”—

After “under”, insert “Division 2 of ”.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(d) Section 3 (1), definition of “pipeline committee”—

After the definition of “pipeline”, insert:

“pipeline committee” means a committee appointed under section 5C;

5 (2) Section 5 (1)—

Omit “Nothing”, insert instead “Subject to section 5A, nothing”.

(3) Sections 5A, 5B—

After section 5, insert:

**Minister may require certain pipelines to be licensed**

10 5A. (1) This section applies to—

- (a) any prescribed pipeline; and
- (b) any pipeline of a prescribed class,

being a pipeline of a kind referred to in section 5 (1) (a)–(h).

15 (2) The Minister may, by order published in the Gazette, declare that section 5 does not apply to such pipeline, being a pipeline to which this section applies, as may be specified in the order.

20 (3) An order under subsection (2) takes effect at the expiration of 12 months after the day on which it is published in the Gazette or, where a longer period is specified in the order in that regard, at the expiration of that longer period.

**Information concerning unlicensed pipelines**

25 5B. (1) This section applies to—

- (a) any prescribed pipeline; and
- (b) any pipeline of a prescribed class,

being a pipeline of a kind referred to in section 5 (1) (a)–(h).



*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

5 (2) The Minister may, by order in writing served on any person by whom a pipeline to which this section applies is operated, require the person to furnish the Minister with such information relating to the design, construction, operation and maintenance of the pipeline as may be specified in the order.

(3) A person on whom an order under subsection (2) is served shall not—

(a) fail to comply with the order; or

10 (b) in purported compliance with the order, furnish information that is false or misleading in a material particular.

Penalty: \$2,000.

(4) Part IA—

After Part I, insert:

## PART IA

## PIPELINE COMMITTEES

**Constitution of pipeline committees**

20 5c. (1) The Minister may appoint standing or special committees for the purpose of advising the Minister in relation to the granting of permits and licences.

(2) A pipeline committee shall consist of—

(a) one person nominated by the Director of Environment and Planning;

25 (b) one person nominated by the Director of the State Pollution Control Commission;

(c) one person nominated by the Secretary of the Department of Local Government;

(d) one person nominated by the Chairman of the State Rail Authority;

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (e) one person nominated by the Commissioner for Main Roads;
- (f) one person nominated by the Secretary of The Maritime Services Board of New South Wales;
- 5 (g) one person nominated by the General Manager of the Authority; and
- (h) such other persons as the Minister may appoint.

(3) The member of a pipeline committee nominated by the General Manager of the Authority shall be the chairman of the committee.

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(4) Subject to any directions by the Minister, a pipeline committee may regulate its procedure in such manner as it thinks fit.

**Functions of pipeline committees**

- 15 5D. The functions of a pipeline committee are—
- (a) to investigate applications for permits and licences that are referred to it by the Minister; and
- (b) to advise the Minister in relation to the granting of permits and licences.

20 (5) Part II, heading—

Before “PERMITS”, insert “AUTHORITIES TO SURVEY AND”.

(6) Part II, Division 1—

At the beginning of Part II, insert:

25 DIVISION 1—*Authorities to survey*

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Applications for authorities to survey**

5 5E. (1) Where a person desires to construct a pipeline, the person may apply to the Minister for an authority to enter lands for the purpose of investigating possible routes for the proposed pipeline.

(2) An application under subsection (1)—

(a) shall be in or to the effect of the prescribed form;

(b) shall be made in the prescribed manner;

10 (c) shall specify, in the prescribed manner, the lands in respect of which the authority is applied for;

(d) shall be accompanied by the prescribed maps showing the location of the lands referred to in paragraph (c);

(e) shall be accompanied by particulars of—

15 (i) the technical qualifications of the applicant and of the applicant's employees;

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

(f) may set out any other matters that the applicant wishes the Minister to consider; and

20 (g) shall be accompanied by the prescribed fee.

**Grant of authority**

25 5F. Where the Minister is satisfied that the applicant for an authority to survey has complied with the provisions of section 5E (2) in relation to the lands in respect of which the authority is applied for or that non-compliance with any of those provisions was not in a material respect, the Minister may grant to the applicant an authority to survey in respect of the lands specified in the application under section 5E (1) or in respect of such of those lands as the Minister thinks fit.



SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Term and conditions of authority**

5G. (1) An authority to survey—

5 (a) comes into force on the day specified for the purpose in the authority and, subject to subsection (3), remains in force for such period commencing on that day as may be specified in the authority and for any period for which the authority is extended under subsection (2); and

(b) may be granted subject to such conditions as the Minister thinks fit and specifies in the authority.

10 (2) The Minister may, on application in writing made by the holder of an authority to survey and served on the Minister before the date of expiration of the authority, extend the authority for such period as the Minister thinks fit and specifies in a notice served on the holder of the authority.

15 (3) The Minister may, for reasons that the Minister thinks sufficient, by an instrument in writing served on the holder of an authority to survey, cancel the authority as to all or any of the lands in respect of which it is in force.

**Rights conferred by authority to survey**

20 5H. An authority to survey, while it remains in force, authorises the holder of the authority, subject to any conditions to which the authority was granted, to enter the lands specified in the authority and to carry out on the lands so specified such  
25 surveys as the holder of the authority considers necessary for the purpose of investigating possible routes for the pipeline referred to in the application for the authority.

(7) Part II, Division 2, heading—

Before section 6, insert:

DIVISION 2—*Permits*

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (8) Section 8 (2), (3)—

Omit section 8 (2), insert instead:

5 (2) The Minister shall, in considering an application for a permit, take into consideration whether the construction of a pipeline on the lands specified in the application would be unsuitable by reason of the pipeline or any apparatus or works being likely to interfere unnecessarily with improvements or improved lands.

10 (3) Part V of the Environmental Planning and Assessment Act 1979 applies to and in respect of the granting of a permit (other than a permit in respect of a pipeline the subject of an order in force under section 5A) in the same way as it applies to and in respect of an activity within the meaning of that Part.

## (9) Section 12 (1) (b) (i)—

15 Omit “six”, insert instead “12”.

## (10) (a) Section 20 (1) (a)—

Omit “works; and”, insert instead “works;”.

## (b) Section 20 (1) (b), (c)—

At the end of section 20 (1) (b), insert:

20 ; and

25 (c) accompanied by instruments setting out, in relation to any easements vested or to be vested in the applicant for the purposes of the proposed pipeline, any restrictions as to user imposed or to be imposed in respect of the lands the subject of those easements.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(11) Section 21 (1), (2)—

Omit the subsections, insert instead:

5 (1) The Governor shall, by notification published in the Gazette as soon as practicable after the granting of a licence under section 14 or of an application under section 18 for the variation of a licence area by including additional lands in the licence area, declare that—

10 (a) such lands and easements as may be specified in the notification (being lands, including lands deemed to be specified therein by section 19 (4) (a), and easements specified in the licence) are vested in the licensee; and

(b) such restrictions as to user as may be specified in the notification have effect in respect of the lands the subject of the easements specified in the licence,

15 according to the tenor of the notification.

(2) Upon publication of a notification under subsection (1)—

20 (a) the lands and easements specified in the notification, to the extent to which they were not vested in the licensee immediately before the date of the notification, vest in the licensee; and

(b) the restrictions as to user specified in the notification, to the extent to which they did not have effect immediately before the date of the notification, have effect,

according to the tenor of the notification.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (12) Section 21A—

After section 21, insert:

**Extinguishment of easements, etc., after variation of licence area**

5 21A. (1) The Minister shall, by notification published in the Gazette as soon as practicable after the granting of an application under section 18 for the variation of a licence area by excluding lands from the licence area, declare that—

10 (a) such easements as may be specified in the notification (being easements specified in the licence in respect of the excluded lands) are extinguished; and

(b) such restrictions as to user as may be specified in the notification (being restrictions that have effect pursuant to section 21 in respect of the lands the subject of the extinguished easements) shall cease to have effect,

15 according to the tenor of the notification.

(2) Upon publication of a notification under subsection (1)—

(a) the easements specified in the notification, to the extent to which they subsisted immediately before the date of the notification, are extinguished; and

20 (b) the restrictions as to user specified in the notification, to the extent to which they had effect immediately before the date of the notification, shall cease to have effect,

according to the tenor of the notification.

(3) Where, by operation of subsection (2)—

25 (a) any easement over land under the provisions of the Real Property Act 1900 is extinguished; or

(b) any restriction as to user in respect of any such land ceases to have effect,



*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

the licensee shall forthwith—

(c) notify the owner of the land of that fact; and

(d) request the Registrar-General to notify that fact on the relevant folio of the Register kept pursuant to that Act.

5 Penalty: \$1,000.

(13) (a) Section 24 (2) (b)—

Omit “pipeline; or”, insert instead “pipeline;”.

(b) Section 24 (2) (c), (d)—

At the end of section 24 (2) (c), insert:

10 ; or

(d) was in compliance with a direction given under section 28 (1).

(14) Sections 31A, 31B—

After section 31, insert:

15 **Inquiries into matters relating to pipelines**

31A. (1) An inquiry into any matter relating to the design, construction, operation or maintenance of a pipeline may, and if required by the Minister shall, be conducted by the Authority.

20 (2) The Authority may, by order in writing, authorise, subject to the terms of the authorisation, and with the approval of the Minister, any person or body to examine, and report to the Authority on, any matter in connection with an inquiry (including an inquiry that the Minister has required to be conducted).

25 (3) Nothing in this section shall be construed as limiting the power of the Authority to conduct an examination in connection with an inquiry under this section and the Authority may conduct such an examination notwithstanding that it has authorised another body or person to do so.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Evidence at inquiry**

31B. (1) A body or person conducting an inquiry or examination under section 31A may, by notice in writing served on any person, require that person—

- 5 (a) within such reasonable time as may be specified in the notice, to furnish to that body or person such information and to produce to that body or person such books, documents or other papers in the person's possession or  
10 under the person's control as may be required for the purpose of the inquiry or examination, as the case may be, and as may be specified in the notice, whether generally or otherwise; or
- 15 (b) to attend at a time and place specified in the notice before that body or person and thereafter from time to time as required by that body or person to give evidence concerning any matter the subject of the inquiry or examination, as the case may be, and to produce all such  
20 books, documents or other papers in the person's possession or under the person's control as may be required for the purpose of the inquiry or examination and as may be specified in the notice, whether generally or otherwise.
- 25 (2) A body or person conducting an inquiry or examination under section 31A may, subject to section 13 of the Oaths Act 1900, require any evidence referred to in subsection (1) (b) to be given on oath and either in writing or orally, and for that purpose—
- 30 (a) where the inquiry or examination is being conducted by a body, the person presiding at the inquiry or examination; or
- (b) where the inquiry or examination is being conducted by a person, that person,

may administer an oath.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(3) A person shall not neglect or refuse to comply with the requirements of a notice served on the person under this section.

Penalty: \$1,000.

(4) A person shall not—

5

(a) furnish any information referred to in subsection (1) (a) required of the person pursuant to a notice served on the person under subsection (1) that is false or misleading in a material particular; or

10

(b) give any evidence referred to in subsection (1) (b) that is false or misleading in a material particular.

Penalty: \$1,000.

15

(5) It is a sufficient defence to a prosecution arising under subsection (4) if the defendant proves that the defendant believed the truth of the information or evidence given by the defendant and that it was given in good faith.

(15) Section 33A—

After section 33, insert:

**Extinguishment of easements, etc., after surrender or cancellation of licence**

20

33A. (1) The Minister may, by notification published in the Gazette, declare that—

25

(a) such easements as may be specified in the notification (being easements over lands within a relinquished area) are extinguished; and

(b) such restrictions as to user as may be specified in the notification (being restrictions that have effect pursuant to section 21 in respect of the lands the subject of the extinguished easements) shall cease to have effect,

according to the tenor of the notification.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (2) Upon publication of a notification under subsection (1)—
- (a) the easements specified in the notification, to the extent to which they subsisted immediately before the date of the notification, are extinguished; and
- 5 (b) the restrictions as to user specified in the notification, to the extent to which they had effect immediately before the date of the notification, shall cease to have effect, according to the tenor of the notification.
- (3) Where, by operation of subsection (2)—
- 10 (a) any easement over land under the provisions of the Real Property Act 1900 is extinguished; or
- (b) any restriction as to user in respect of any such land ceases to have effect,
- the Minister may—
- 15 (c) notify the owner of the land of that fact; and
- (d) request the Registrar-General to notify that fact on the relevant folio of the Register kept pursuant to that Act.
- (16) Section 37 (1)—
- Omit “\$100”, insert instead “\$200”.
- 20 (17) (a) Section 40 (b)—
- Omit “and the Environmental Planning and Assessment Act 1979”.
- (b) Section 40 (2)—
- At the end of section 40, insert:
- 25 (2) Except as provided by section 8 (3), the Environmental Planning and Assessment Act 1979 does not apply to or in respect of any matter (including the granting or variation of an authority to survey, a permit or a licence) relating to the construction or operation of a pipeline.



*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (18) (a) Section 42 (3)—

Omit the subsection, insert instead:

(3) An application shall be accompanied by—

(a) an instrument of transfer of the permit or licence—

5 (i) in or to the effect of the prescribed form; and

(ii) duly executed by the transferor and the transferee,

together with a copy of the instrument; and

(b) particulars of—

10 (i) the technical qualifications of the applicant and of  
the applicant's employees;

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant.

## (b) Section 42 (5)—

15

After "licence", insert "and, in the case of a transfer of a licence,  
unless satisfactory arrangements have been made for the  
acquisition by the transferee of the lands, or easements over the  
lands, within the licence area".

## (19) Section 43 (2)—

Omit "a fee of ten dollars", insert instead "the prescribed fee".

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (20) Section 45 (4)—

Omit the subsection, insert instead:

(4) An application shall be accompanied by—

(a) the original instrument and a copy of the instrument; and

5 (b) in the case of a prescribed instrument or an instrument of a prescribed kind, particulars of—

(i) the technical qualifications of each of the persons having an interest in the permit or licence by reason of the instrument;

10 (ii) the technical advice available to each of those persons; and

(iii) the financial resources available to each of those persons.

## (21) Section 50 (2)—

15 Omit “without the written consent of the registered holder”, insert instead “if the person by whom inspection of the memorial or copy is sought does not have the written consent of the registered holder of the permit or licence to inspect the memorial or copy”.

## 20 (22) Section 58A—

After section 58, insert:

**Directions by the Minister**

25 58A. (1) The Minister may direct a public authority or person having functions under this Act to exercise those functions at or within such times as are specified in the direction.

(2) A public authority or person to whom a direction is given under subsection (1) shall comply, and is hereby empowered to comply, with the direction in accordance with the terms of the direction.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(3) Before giving a direction under subsection (1), the Minister shall consult with the responsible Minister concerned.

(23) Sections 60A–60C—

After section 60, insert:

5           **Stop notices**

60A. (1) Where an inspector believes, on reasonable grounds, that a person is carrying out or is about to carry out, within a licence area, an activity that is damaging or is likely to damage any pipeline or any apparatus or works, the inspector may, by  
10 notice in writing served on the person, prohibit the person from carrying out the activity.

(2) A notice served pursuant to subsection (1) shall cease to have effect after the expiration of 14 days from the date on which it was issued unless within that period the Authority has,  
15 pursuant to subsection (3)—

(a) confirmed or varied the terms of the notice; or

(b) revoked the notice.

(3) The Authority may, at any time, by a further notice in writing served on the person on whom a notice has been served pursuant to subsection (1), confirm or vary the terms of, or  
20 revoke, the lastmentioned notice.

(4) A person on whom a notice has been served pursuant to subsection (1) shall not carry out any activity in contravention of the terms of the notice.

25           Penalty (subsection (4)): \$4,000 in the case of a corporation and \$2,000 in any other case.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Appeals to Land and Environment Court against stop notices**

5 60B. (1) Any person whose interests are affected by a notice under section 60A (1) that has been confirmed or varied pursuant to section 60A (3) may appeal to the Land and Environment Court against the notice.

(2) The Land and Environment Court shall hear and dispose of an appeal made to it under subsection (1).

**Inspectors not liable for certain acts, etc.**

10 60C. An inspector is not personally liable for any act or omission done or omitted to be done by the inspector in good faith in the exercise of the powers conferred or imposed on the inspector by or under this Act.

(24) (a) Section 69 (1) (a)—

15 After “pipelines”, insert “(including the circumstances under which pipelines shall cease to be operated)”.

(b) Section 69 (1) (e1)—

After section 69 (1) (e), insert:

(e1) the carrying out of surveys for the purposes of this Act;

## SCHEDULE 3

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO  
PENALTIES

20 (1) Sections 11, 24, 26, 27, 28, 35, 46—

25 Omit “Two thousand dollars” wherever occurring, insert instead “\$4,000”.



*Pipelines (Amendment) 1985*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO  
PENALTIES —*continued*

(2) Sections 23, 59—

Omit “One hundred dollars” wherever occurring, insert instead  
“\$200”.

(3) Sections 48, 49—

5 Omit “One thousand dollars” wherever occurring, insert instead  
“\$2,000”.

(4) Section 60—

Omit “Five hundred dollars”, insert instead “\$1,000”.

(5) Sections 64, 68—

10 Omit “one thousand dollars” wherever occurring, insert instead  
“\$2,000”.

(6) Section 65 (3)—

Omit “two thousand dollars”, insert instead “\$4,000”.

(7) Section 69 (2)—

15 Omit “five hundred dollars”, insert instead “\$1,000”.

## SCHEDULE 4

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW  
REVISION

20 (1) (a) Section 3 (1), paragraph (c) of the definition of “apparatus or works”—

Omit “of this definition”.

*Pipelines (Amendment) 1985*SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW  
REVISION—*continued*

(b) Section 3 (1), definition of “petroleum”—

Omit “of this definition”.

(c) Section 3 (9)—

Omit the subsection.

5

(2) Sections 13 (1), 18 (4)—

Omit “of this subsection” wherever occurring.

(3) Section 38—

Omit “per centum”, insert instead “per cent”.

10

(4) Section 69 (3)—

Omit the subsection, insert instead:

(3) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or factors;

(b) apply differently according to different factors of a specified kind; or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

15

or may do any combination of those things.

## SCHEDULE 5

(Sec. 6)

20

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Register of permits and licences**

1. (1) In this clause a reference to the General Manager is a reference to the General Manager of the Energy Authority of New South Wales.

*Pipelines (Amendment) 1985*SCHEDULE 5—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(2) The register kept by the Registrar under Part IV of the Principal Act before the date of assent to this Act shall be deemed to be the register required to be kept by the General Manager under Part IV of that Act, as amended by this Act.

5 (3) Any entry or notification that the Registrar caused to be made in the register before the date of assent to this Act shall be deemed to have been caused to be made by the General Manager.

(4) Any endorsement that the Registrar caused to be made on an instrument, or a copy of an instrument, before the date of assent to this Act shall be deemed to have been made by the General Manager.

10 (5) Any copy of an instrument retained by the Registrar under Part IV of the Principal Act before the date of assent to this Act, being a copy of an instrument that was in the Registrar's possession immediately before that date, shall be retained by the General Manager in accordance with Part IV of that Act, as amended by this Act.

**Consideration of applications for permits**

15 2. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (8).

20 (2) Section 8 of the Principal Act applies to and in respect of an application under section 6 (1) of that Act made before the appointed day in the same way as it would have applied had Schedule 2 (8) not been enacted.

**Applications for transfers of permits and licences**

3. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (18).

25 (2) Section 42 of the Principal Act applies to and in respect of an application under that section made before the appointed day in the same way as it would have applied had Schedule 2 (18) not been enacted.

**Applications for registration of instruments creating, etc., interests**

30 4. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (20).

*Pipelines (Amendment) 1985*SCHEDULE 5—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(2) Section 45 of the Principal Act applies to and in respect of an application under that section made before the appointed day in the same way as it would have applied had Schedule 2 (20) not been enacted.

**Validation**

- 5 5. Section 62 (1) of the Principal Act operates so as to apply the provisions of section 88A of the Conveyancing Act 1919 to and in respect of an easement purporting to have been created under section 61 of the Principal Act before the date of assent to this Act notwithstanding that the instrument by which the easement purports to have been created fails to comply with the requirements of section 62 (2) of the Principal Act.

**10 Regulations**

6. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

- 15 (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- 20 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

- 25 (4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



PIPELINES (AMENDMENT) ACT 1985 No. 217

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

\* \* \* \* \*

Act No. 217, 1985

An Act to amend the Pipelines Act 1967 with respect to the delegation of functions under that Act, the granting of authorities to survey and the protection of public safety, and with respect to penalties and other matters; and for certain other purposes. [Assented to, 11th December, 1985.]

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See also Land and Environment Court (Pipelines) Amendment Act 1985.

*Pipelines (Amendment) 1985*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Pipelines (Amendment) Act 1985".

**Commencement**

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to a provision of Schedule 2, shall commence on the day on which the provision commences.

(3) The several provisions of Schedule 2 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Principal Act**

3. The Pipelines Act 1967 is referred to in this Act as the Principal Act.

**Schedules**

4. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE DELEGATION OF FUNCTIONS OF THE MINISTER

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO PENALTIES

SCHEDULE 4—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION

SCHEDULE 5—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

*Pipelines (Amendment) 1985*

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**Amendment of Act No. 90, 1967**

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

**Savings, transitional and other provisions**

6. Schedule 5 has effect.

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SCHEDULE 1

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER

(1) (a) Section 3 (1), definition of "Authority"—

After the definition of "apparatus or works", insert:

"Authority" means the Energy Authority of New South Wales  
constituted under the Energy Authority Act 1976;

(b) Section 3 (1), definitions of "Registrar", "Under Secretary"—

Omit the definitions.

(c) Section 3 (1A)—

After section 3 (1), insert:

(1A) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

*Pipelines (Amendment) 1985*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

(2) Section 4A—

After section 4, insert:

**Delegation of Minister's functions**

4A. (1) The Minister may delegate to the General Manager of the Authority the exercise of such of the Minister's functions under this Act as may be prescribed, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Minister.

(3) The General Manager of the Authority is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the General Manager of the Authority, shall be deemed to have been exercised by the Minister.

(5) A delegation under this section does not prevent the exercise of a function by the Minister.

(6) A function purporting to have been exercised by the General Manager of the Authority under this section shall, until the contrary is proved, be deemed to have been duly exercised by the General Manager under this section.

(7) Section 7A of the Energy Authority Act 1976 applies to and in respect of a function delegated to the General Manager of the Authority under this section in the same way as it applies to and in respect of a function delegated to the General Manager under section 7A (1) of that Act.

(3) Sections 37 (1), 38—

Omit "to the Under Secretary" wherever occurring.



*Pipelines (Amendment) 1985*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

- (4) (a) Section 41 (subsections (2) (f) and (6) excepted)—  
Omit “Registrar” wherever occurring, insert instead “General Manager of the Authority”.
- (b) Section 41 (2) (f)—  
Omit “Under Secretary”, insert instead “General Manager of the Authority”.
- (c) Section 41 (2) (f)—  
Omit “and directs the Registrar to enter in the register”.
- (d) Section 41 (6)—  
Omit “The Registrar shall endorse”, insert instead “The General Manager of the Authority shall cause to be endorsed”.
- (5) (a) Section 42—  
Omit “Registrar” wherever occurring, insert instead “General Manager of the Authority”.
- (b) Section 42 (4)—  
Omit “as may be directed by the Under Secretary”, insert instead “as the General Manager thinks fit”.
- (6) Section 43 (2)—  
Omit “Registrar”, insert instead “General Manager of the Authority”.
- (7) (a) Section 45—  
Omit “Registrar” wherever occurring, insert instead “General Manager of the Authority”.

*Pipelines (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO THE  
DELEGATION OF FUNCTIONS OF THE MINISTER—*continued*

## (b) Section 45 (5)—

Omit “as may be directed by the Under Secretary”, insert instead “as the General Manager thinks fit”.

## (8) Sections 47, 53—

Omit “Registrar” wherever occurring, insert instead “General Manager of the Authority”.

## (9) Section 57—

Omit “, the Under Secretary or the Registrar” wherever occurring, insert instead “or the General Manager of the Authority”.

## SCHEDULE 2

(Sec. 5)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

## (1) (a) Section 3 (1), paragraph (c) of the definition of “apparatus or works”—

After “machinery”, insert “(including any associated fittings and structures)”.

## (b) Section 3 (1), definition of “authority to survey”—

Before the definition of “Crown lands”, insert:

“authority to survey” means an authority to enter lands and carry out surveys granted by the Minister under Division 1 of Part II;

## (c) Section 3 (1), definition of “permit”—

After “under”, insert “Division 2 of ”.

*Pipelines (Amendment) 1985*

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (d) Section 3 (1), definition of “pipeline committee”—

After the definition of “pipeline”, insert:

“pipeline committee” means a committee appointed under section 5C;

- (2) Section 5 (1)—

Omit “Nothing”, insert instead “Subject to section 5A, nothing”.

- (3) Sections 5A, 5B—

After section 5, insert:

**Minister may require certain pipelines to be licensed**

5A. (1) This section applies to—

- (a) any prescribed pipeline; and
- (b) any pipeline of a prescribed class,

being a pipeline of a kind referred to in section 5 (1) (a)–(h).

(2) The Minister may, by order published in the Gazette, declare that section 5 does not apply to such pipeline, being a pipeline to which this section applies, as may be specified in the order.

(3) An order under subsection (2) takes effect at the expiration of 12 months after the day on which it is published in the Gazette or, where a longer period is specified in the order in that regard, at the expiration of that longer period.

**Information concerning unlicensed pipelines**

5B. (1) This section applies to—

- (a) any prescribed pipeline; and
- (b) any pipeline of a prescribed class,

being a pipeline of a kind referred to in section 5 (1) (a)–(h).

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(2) The Minister may, by order in writing served on any person by whom a pipeline to which this section applies is operated, require the person to furnish the Minister with such information relating to the design, construction, operation and maintenance of the pipeline as may be specified in the order.

(3) A person on whom an order under subsection (2) is served shall not—

- (a) fail to comply with the order; or
- (b) in purported compliance with the order, furnish information that is false or misleading in a material particular.

Penalty: \$2,000.

## (4) Part IA—

After Part I, insert:

## PART IA

## PIPELINE COMMITTEES

**Constitution of pipeline committees**

5C. (1) The Minister may appoint standing or special committees for the purpose of advising the Minister in relation to the granting of permits and licences.

- (2) A pipeline committee shall consist of—
  - (a) one person nominated by the Director of Environment and Planning;
  - (b) one person nominated by the Director of the State Pollution Control Commission;
  - (c) one person nominated by the Secretary of the Department of Local Government;
  - (d) one person nominated by the Chairman of the State Rail Authority;



*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (e) one person nominated by the Commissioner for Main Roads;
- (f) one person nominated by the Secretary of The Maritime Services Board of New South Wales;
- (g) one person nominated by the General Manager of the Authority; and
- (h) such other persons as the Minister may appoint.

(3) The member of a pipeline committee nominated by the General Manager of the Authority shall be the chairman of the committee.

(4) Subject to any directions by the Minister, a pipeline committee may regulate its procedure in such manner as it thinks fit.

**Functions of pipeline committees**

5D. The functions of a pipeline committee are—

- (a) to investigate applications for permits and licences that are referred to it by the Minister; and
- (b) to advise the Minister in relation to the granting of permits and licences.

(5) Part II, heading—

Before “PERMITS”, insert “AUTHORITIES TO SURVEY AND”.

(6) Part II, Division 1—

At the beginning of Part II, insert:

DIVISION 1—*Authorities to survey*

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Applications for authorities to survey**

5E. (1) Where a person desires to construct a pipeline, the person may apply to the Minister for an authority to enter lands for the purpose of investigating possible routes for the proposed pipeline.

- (2) An application under subsection (1)—
- (a) shall be in or to the effect of the prescribed form;
  - (b) shall be made in the prescribed manner;
  - (c) shall specify, in the prescribed manner, the lands in respect of which the authority is applied for;
  - (d) shall be accompanied by the prescribed maps showing the location of the lands referred to in paragraph (c);
  - (e) shall be accompanied by particulars of—
    - (i) the technical qualifications of the applicant and of the applicant's employees;
    - (ii) the technical advice available to the applicant; and
    - (iii) the financial resources available to the applicant;
  - (f) may set out any other matters that the applicant wishes the Minister to consider; and
  - (g) shall be accompanied by the prescribed fee.

**Grant of authority**

5F. Where the Minister is satisfied that the applicant for an authority to survey has complied with the provisions of section 5E (2) in relation to the lands in respect of which the authority is applied for or that non-compliance with any of those provisions was not in a material respect, the Minister may grant to the applicant an authority to survey in respect of the lands specified in the application under section 5E (1) or in respect of such of those lands as the Minister thinks fit.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Term and conditions of authority**

5G. (1) An authority to survey—

- (a) comes into force on the day specified for the purpose in the authority and, subject to subsection (3), remains in force for such period commencing on that day as may be specified in the authority and for any period for which the authority is extended under subsection (2); and
- (b) may be granted subject to such conditions as the Minister thinks fit and specifies in the authority.

(2) The Minister may, on application in writing made by the holder of an authority to survey and served on the Minister before the date of expiration of the authority, extend the authority for such period as the Minister thinks fit and specifies in a notice served on the holder of the authority.

(3) The Minister may, for reasons that the Minister thinks sufficient, by an instrument in writing served on the holder of an authority to survey, cancel the authority as to all or any of the lands in respect of which it is in force.

**Rights conferred by authority to survey**

5H. An authority to survey, while it remains in force, authorises the holder of the authority, subject to any conditions to which the authority was granted, to enter the lands specified in the authority and to carry out on the lands so specified such surveys as the holder of the authority considers necessary for the purpose of investigating possible routes for the pipeline referred to in the application for the authority.

(7) Part II, Division 2, heading—

Before section 6, insert:

DIVISION 2—*Permits*

*Pipelines (Amendment) 1985*

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (8) Section 8 (2), (3)—

Omit section 8 (2), insert instead:

(2) The Minister shall, in considering an application for a permit, take into consideration whether the construction of a pipeline on the lands specified in the application would be unsuitable by reason of the pipeline or any apparatus or works being likely to interfere unnecessarily with improvements or improved lands.

(3) Part V of the Environmental Planning and Assessment Act 1979 applies to and in respect of the granting of a permit (other than a permit in respect of a pipeline the subject of an order in force under section 5A) in the same way as it applies to and in respect of an activity within the meaning of that Part.

## (9) Section 12 (1) (b) (i)—

Omit “six”, insert instead “12”.

## (10) (a) Section 20 (1) (a)—

Omit “works; and”, insert instead “works;”.

## (b) Section 20 (1) (b), (c)—

At the end of section 20 (1) (b), insert:

; and

(c) accompanied by instruments setting out, in relation to any easements vested or to be vested in the applicant for the purposes of the proposed pipeline, any restrictions as to user imposed or to be imposed in respect of the lands the subject of those easements.



*Pipelines (Amendment) 1985*

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(11) Section 21 (1), (2)—

Omit the subsections, insert instead:

(1) The Governor shall, by notification published in the Gazette as soon as practicable after the granting of a licence under section 14 or of an application under section 18 for the variation of a licence area by including additional lands in the licence area, declare that—

- (a) such lands and easements as may be specified in the notification (being lands, including lands deemed to be specified therein by section 19 (4) (a), and easements specified in the licence) are vested in the licensee; and
- (b) such restrictions as to user as may be specified in the notification have effect in respect of the lands the subject of the easements specified in the licence,

according to the tenor of the notification.

(2) Upon publication of a notification under subsection (1)—

- (a) the lands and easements specified in the notification, to the extent to which they were not vested in the licensee immediately before the date of the notification, vest in the licensee; and
- (b) the restrictions as to user specified in the notification, to the extent to which they did not have effect immediately before the date of the notification, have effect,

according to the tenor of the notification.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (12) Section 21A—

After section 21, insert:

**Extinguishment of easements, etc., after variation of licence area**

21A. (1) The Minister shall, by notification published in the Gazette as soon as practicable after the granting of an application under section 18 for the variation of a licence area by excluding lands from the licence area, declare that—

- (a) such easements as may be specified in the notification (being easements specified in the licence in respect of the excluded lands) are extinguished; and
- (b) such restrictions as to user as may be specified in the notification (being restrictions that have effect pursuant to section 21 in respect of the lands the subject of the extinguished easements) shall cease to have effect,

according to the tenor of the notification.

## (2) Upon publication of a notification under subsection (1)—

- (a) the easements specified in the notification, to the extent to which they subsisted immediately before the date of the notification, are extinguished; and
- (b) the restrictions as to user specified in the notification, to the extent to which they had effect immediately before the date of the notification, shall cease to have effect,

according to the tenor of the notification.

## (3) Where, by operation of subsection (2)—

- (a) any easement over land under the provisions of the Real Property Act 1900 is extinguished; or
- (b) any restriction as to user in respect of any such land ceases to have effect,

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

the licensee shall forthwith—

- (c) notify the owner of the land of that fact; and
- (d) request the Registrar-General to notify that fact on the relevant folio of the Register kept pursuant to that Act.

Penalty: \$1,000.

- (13) (a) Section 24 (2) (b)—

Omit “pipeline; or”, insert instead “pipeline;”.

- (b) Section 24 (2) (c), (d)—

At the end of section 24 (2) (c), insert:

; or

- (d) was in compliance with a direction given under section 28 (1).

- (14) Sections 31A, 31B—

After section 31, insert:

**Inquiries into matters relating to pipelines**

31A. (1) An inquiry into any matter relating to the design, construction, operation or maintenance of a pipeline may, and if required by the Minister shall, be conducted by the Authority.

(2) The Authority may, by order in writing, authorise, subject to the terms of the authorisation, and with the approval of the Minister, any person or body to examine, and report to the Authority on, any matter in connection with an inquiry (including an inquiry that the Minister has required to be conducted).

(3) Nothing in this section shall be construed as limiting the power of the Authority to conduct an examination in connection with an inquiry under this section and the Authority may conduct such an examination notwithstanding that it has authorised another body or person to do so.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Evidence at inquiry**

31B. (1) A body or person conducting an inquiry or examination under section 31A may, by notice in writing served on any person, require that person—

- (a) within such reasonable time as may be specified in the notice, to furnish to that body or person such information and to produce to that body or person such books, documents or other papers in the person's possession or under the person's control as may be required for the purpose of the inquiry or examination, as the case may be, and as may be specified in the notice, whether generally or otherwise; or
- (b) to attend at a time and place specified in the notice before that body or person and thereafter from time to time as required by that body or person to give evidence concerning any matter the subject of the inquiry or examination, as the case may be, and to produce all such books, documents or other papers in the person's possession or under the person's control as may be required for the purpose of the inquiry or examination and as may be specified in the notice, whether generally or otherwise.

(2) A body or person conducting an inquiry or examination under section 31A may, subject to section 13 of the Oaths Act 1900, require any evidence referred to in subsection (1) (b) to be given on oath and either in writing or orally, and for that purpose—

- (a) where the inquiry or examination is being conducted by a body, the person presiding at the inquiry or examination; or
- (b) where the inquiry or examination is being conducted by a person, that person,

may administer an oath.



*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(3) A person shall not neglect or refuse to comply with the requirements of a notice served on the person under this section.

Penalty: \$1,000.

(4) A person shall not—

- (a) furnish any information referred to in subsection (1) (a) required of the person pursuant to a notice served on the person under subsection (1) that is false or misleading in a material particular; or
- (b) give any evidence referred to in subsection (1) (b) that is false or misleading in a material particular.

Penalty: \$1,000.

(5) It is a sufficient defence to a prosecution arising under subsection (4) if the defendant proves that the defendant believed the truth of the information or evidence given by the defendant and that it was given in good faith.

(15) Section 33A—

After section 33, insert:

**Extinguishment of easements, etc., after surrender or cancellation of licence**

33A. (1) The Minister may, by notification published in the Gazette, declare that—

- (a) such easements as may be specified in the notification (being easements over lands within a relinquished area) are extinguished; and
- (b) such restrictions as to user as may be specified in the notification (being restrictions that have effect pursuant to section 21 in respect of the lands the subject of the extinguished easements) shall cease to have effect,

according to the tenor of the notification.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(2) Upon publication of a notification under subsection (1)—

- (a) the easements specified in the notification, to the extent to which they subsisted immediately before the date of the notification, are extinguished; and
- (b) the restrictions as to user specified in the notification, to the extent to which they had effect immediately before the date of the notification, shall cease to have effect,

according to the tenor of the notification.

(3) Where, by operation of subsection (2)—

- (a) any easement over land under the provisions of the Real Property Act 1900 is extinguished; or
- (b) any restriction as to user in respect of any such land ceases to have effect,

the Minister may—

- (c) notify the owner of the land of that fact; and
- (d) request the Registrar-General to notify that fact on the relevant folio of the Register kept pursuant to that Act.

(16) Section 37 (1)—

Omit “\$100”, insert instead “\$200”.

(17) (a) Section 40 (b)—

Omit “and the Environmental Planning and Assessment Act 1979”.

(b) Section 40 (2)—

At the end of section 40, insert:

(2) Except as provided by section 8 (3), the Environmental Planning and Assessment Act 1979 does not apply to or in respect of any matter (including the granting or variation of an authority to survey, a permit or a licence) relating to the construction or operation of a pipeline.

*Pipelines (Amendment) 1985*

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (18) (a) Section 42 (3)—

Omit the subsection, insert instead:

(3) An application shall be accompanied by—

(a) an instrument of transfer of the permit or licence—

(i) in or to the effect of the prescribed form; and

(ii) duly executed by the transferor and the transferee,

together with a copy of the instrument; and

(b) particulars of—

(i) the technical qualifications of the applicant and of the applicant's employees;

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant.

## (b) Section 42 (5)—

After "licence", insert "and, in the case of a transfer of a licence, unless satisfactory arrangements have been made for the acquisition by the transferee of the lands, or easements over the lands, within the licence area".

## (19) Section 43 (2)—

Omit "a fee of ten dollars", insert instead "the prescribed fee".

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(20) Section 45 (4)—

Omit the subsection, insert instead:

- (4) An application shall be accompanied by—
  - (a) the original instrument and a copy of the instrument; and
  - (b) in the case of a prescribed instrument or an instrument of a prescribed kind, particulars of—
    - (i) the technical qualifications of each of the persons having an interest in the permit or licence by reason of the instrument;
    - (ii) the technical advice available to each of those persons; and
    - (iii) the financial resources available to each of those persons.

(21) Section 50 (2)—

Omit “without the written consent of the registered holder”, insert instead “if the person by whom inspection of the memorial or copy is sought does not have the written consent of the registered holder of the permit or licence to inspect the memorial or copy”.

(22) Section 58A—

After section 58, insert:

**Directions by the Minister**

58A. (1) The Minister may direct a public authority or person having functions under this Act to exercise those functions at or within such times as are specified in the direction.

(2) A public authority or person to whom a direction is given under subsection (1) shall comply, and is hereby empowered to comply, with the direction in accordance with the terms of the direction.



*Pipelines (Amendment) 1985*

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(3) Before giving a direction under subsection (1), the Minister shall consult with the responsible Minister concerned.

## (23) Sections 60A–60C—

After section 60, insert:

**Stop notices**

60A. (1) Where an inspector believes, on reasonable grounds, that a person is carrying out or is about to carry out, within a licence area, an activity that is damaging or is likely to damage any pipeline or any apparatus or works, the inspector may, by notice in writing served on the person, prohibit the person from carrying out the activity.

(2) A notice served pursuant to subsection (1) shall cease to have effect after the expiration of 14 days from the date on which it was issued unless within that period the Authority has, pursuant to subsection (3)—

- (a) confirmed or varied the terms of the notice; or
- (b) revoked the notice.

(3) The Authority may, at any time, by a further notice in writing served on the person on whom a notice has been served pursuant to subsection (1), confirm or vary the terms of, or revoke, the lastmentioned notice.

(4) A person on whom a notice has been served pursuant to subsection (1) shall not carry out any activity in contravention of the terms of the notice.

Penalty (subsection (4)): \$4,000 in the case of a corporation and \$2,000 in any other case.

*Pipelines (Amendment) 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued***Appeals to Land and Environment Court against stop notices**

60B. (1) Any person whose interests are affected by a notice under section 60A (1) that has been confirmed or varied pursuant to section 60A (3) may appeal to the Land and Environment Court against the notice.

(2) The Land and Environment Court shall hear and dispose of an appeal made to it under subsection (1).

**Inspectors not liable for certain acts, etc.**

60C. An inspector is not personally liable for any act or omission done or omitted to be done by the inspector in good faith in the exercise of the powers conferred or imposed on the inspector by or under this Act.

(24) (a) Section 69 (1) (a)—

After “pipelines”, insert “(including the circumstances under which pipelines shall cease to be operated)”.

(b) Section 69 (1) (e1)—

After section 69 (1) (e), insert:

(e1) the carrying out of surveys for the purposes of this Act;

## SCHEDULE 3

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO  
PENALTIES

(1) Sections 11, 24, 26, 27, 28, 35, 46—

Omit “Two thousand dollars” wherever occurring, insert instead “\$4,000”.

*Pipelines (Amendment) 1985*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO  
PENALTIES —*continued*

## (2) Sections 23, 59—

Omit “One hundred dollars” wherever occurring, insert instead “\$200”.

## (3) Sections 48, 49—

Omit “One thousand dollars” wherever occurring, insert instead “\$2,000”.

## (4) Section 60—

Omit “Five hundred dollars”, insert instead “\$1,000”.

## (5) Sections 64, 68—

Omit “one thousand dollars” wherever occurring, insert instead “\$2,000”.

## (6) Section 65 (3)—

Omit “two thousand dollars”, insert instead “\$4,000”.

## (7) Section 69 (2)—

Omit “five hundred dollars”, insert instead “\$1,000”.

## SCHEDULE 4

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW  
REVISION

## (1) (a) Section 3 (1), paragraph (c) of the definition of “apparatus or works”—

Omit “of this definition”.

*Pipelines (Amendment) 1985*SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW  
REVISION—*continued*

- (b) Section 3 (1), definition of “petroleum”—  
Omit “of this definition”.
- (c) Section 3 (9)—  
Omit the subsection.
- (2) Sections 13 (1), 18 (4)—  
Omit “of this subsection” wherever occurring.
- (3) Section 38—  
Omit “per centum”, insert instead “per cent”.
- (4) Section 69 (3)—  
Omit the subsection, insert instead:
- (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
  - (b) apply differently according to different factors of a specified kind; or
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- or may do any combination of those things.

## SCHEDULE 5

(Sec. 6)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Register of permits and licences**

1. (1) In this clause a reference to the General Manager is a reference to the General Manager of the Energy Authority of New South Wales.



*Pipelines (Amendment) 1985*

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SCHEDULE 5—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(2) The register kept by the Registrar under Part IV of the Principal Act before the date of assent to this Act shall be deemed to be the register required to be kept by the General Manager under Part IV of that Act, as amended by this Act.

(3) Any entry or notification that the Registrar caused to be made in the register before the date of assent to this Act shall be deemed to have been caused to be made by the General Manager.

(4) Any endorsement that the Registrar caused to be made on an instrument, or a copy of an instrument, before the date of assent to this Act shall be deemed to have been made by the General Manager.

(5) Any copy of an instrument retained by the Registrar under Part IV of the Principal Act before the date of assent to this Act, being a copy of an instrument that was in the Registrar's possession immediately before that date, shall be retained by the General Manager in accordance with Part IV of that Act, as amended by this Act.

**Consideration of applications for permits**

2. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (8).

(2) Section 8 of the Principal Act applies to and in respect of an application under section 6 (1) of that Act made before the appointed day in the same way as it would have applied had Schedule 2 (8) not been enacted.

**Applications for transfers of permits and licences**

3. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (18).

(2) Section 42 of the Principal Act applies to and in respect of an application under that section made before the appointed day in the same way as it would have applied had Schedule 2 (18) not been enacted.

*Pipelines (Amendment) 1985*SCHEDULE 5—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued***Applications for registration of instruments creating, etc., interests**

4. (1) In this clause a reference to the appointed day is a reference to the day appointed and notified under section 2 (3) in respect of the commencement of Schedule 2 (20).

(2) Section 45 of the Principal Act applies to and in respect of an application under that section made before the appointed day in the same way as it would have applied had Schedule 2 (20) not been enacted.

**Validation**

5. Section 62 (1) of the Principal Act operates so as to apply the provisions of section 88A of the Conveyancing Act 1919 to and in respect of an easement purporting to have been created under section 61 of the Principal Act before the date of assent to this Act notwithstanding that the instrument by which the easement purports to have been created fails to comply with the requirements of section 62 (2) of the Principal Act.

**Regulations**

6. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

*Pipelines (Amendment) 1985*

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SCHEDULE 5—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

