



New South Wales

Energy Amendment (Pipelines and Gas Safety) Bill 2024

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Gas Supply Act 1996*, including as follows—
 - (i) to increase the maximum penalties for particular offences and provide for continuing offences,
 - (ii) to expand and clarify the powers of government inspectors, in a way that is consistent with the powers of inspectors under the *Pipelines Act 1967*,
 - (iii) to make it an offence for a person to damage gas works,
 - (iv) to provide for requirements to give information to government inspectors and answer questions from government inspectors,
 - (v) to allow the regulations to prescribe requirements for network operators to give the Minister for Energy (the **Minister**) or the Secretary of the Department of Climate Change, Energy, the Environment and Water (the **Secretary**) specified information, including information about accidents and incidents,
 - (vi) to increase the maximum penalties the Local Court may impose in proceedings for offences under the *Gas Supply Act 1996*,
 - (vii) to enable government inspectors to issue penalty notices for certain offences under the *Gas Supply Act 1996*, and
- (b) to amend the *Pipelines Act 1967*, including as follows—
 - (i) to increase the maximum penalties for particular offences and provide for continuing offences,

- (ii) to expand and clarify the powers of inspectors, in a way that is consistent with the powers of government inspectors under the *Gas Supply Act 1996*,
 - (iii) to update offences relating to the theft of substances being conveyed by a pipeline and the damage of, or interference with the operation of, a pipeline,
 - (iv) to provide for requirements to give information to inspectors and answer questions from inspectors,
 - (v) to increase the maximum penalties the Local Court may impose in proceedings for offences under the *Pipelines Act 1967*, and
- (c) to make consequential amendments to the *Criminal Procedure Act 1986*.

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.

Schedule 1 Amendment of Gas Supply Act 1996 No 38

Schedule 1[1] provides that the offence of operating a distribution pipeline without an authority is a continuing offence.

Schedule 1[2] provides that the offence of operating a distribution system for liquefied petroleum gas or certain other gases without an authority is a continuing offence.

Schedule 1[3] gives government inspectors the following powers—

- (a) the power to direct a network operator to take reasonable steps to disconnect premises from the gas network, discontinue gas supply to premises, reconnect premises to the gas network or continue gas supply to premises if necessary to ensure compliance with the *Gas Supply Act 1996* and the regulations,
- (b) the power to disconnect premises from the gas network or discontinue gas supply to premises if necessary to ensure the safety of the gas network.

Schedule 1[5] gives government inspectors the power to enter premises for the purposes of preventing or mitigating harm from a hazardous event relating to the supply of gas.

Schedule 1[6]–[10] clarify certain requirements that apply to government inspectors and gas industry inspectors, including in relation to giving notice to owners and occupiers of land and the use of reasonable force, when the inspectors enter land.

Schedule 1[11] and [12] provide that the Secretary has the obligation to fence and secure, and to fill or level a pit, trench, hole or bore made by a government inspector in certain circumstances.

Schedule 1[19] requires a person to return the person's certificate of authority to the Secretary or relevant network operator as soon as practicable after ceasing to be an inspector.

Schedule 1[20] provides that a government inspector may exercise a power to enter residential premises without a warrant for the sole purpose of accessing a consumer service.

Schedule 1[21] gives government inspectors the following powers—

- (a) powers in relation to seizing things, dealing with seized things, carrying out tests, and examining, inspecting, copying and removing records or documents,
- (b) the power to direct network operators to carry out specified activities or take specified actions to ensure the safe supply of gas by the network operator, prevent damage to gas works or ensure compliance with the *Gas Supply Act 1996* and the regulations,
- (c) the power to direct persons to stop carrying out an activity if the activity is damaging, or is likely to damage, gas works or the activity is threatening the safe supply of gas or stopping the activity is necessary to ensure compliance with the *Gas Supply Act 1996* and the regulations,

- (d) the power to direct a person, or persons generally, to not enter, or to leave, a place by a particular time or for a particular period—
 - (i) to enable the proper investigation of a hazardous event or compliance with the *Gas Supply Act 1996* and the regulations, or
 - (ii) because of a potential risk to the safety of persons at the place.

Schedule 1[21] also gives government inspectors the power to require a person to give relevant information, including health information, or answer questions, including questions relating to health information. The amendment also provides that—

- (a) a person is not guilty of an offence for failing to comply with a requirement to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence, and
- (b) a person is not excused from a requirement to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.

Schedule 1[22] enables a government inspector to apply for a warrant of entry to land, including a building used for residential purposes, if it is necessary for the government inspector to enter and inspect the land.

Schedule 1[23] increases the maximum penalties for offences in relation to carrying out excavation work without confirming whether there are underground gas pipelines in the vicinity of the proposed work, and carrying out excavation work other than in accordance with the regulations.

Schedule 1[24] increases the maximum penalties for the following offences—

- (a) the failure by a person who damages an underground gas pipeline to notify the relevant network operator of the damage,
- (b) interfering with a gas meter without the relevant network operator's authority,
- (c) interfering with a seal on a gas installation without the relevant network operator's authority,
- (d) connecting a gas installation to a distribution pipeline or distribution system without the relevant network operator's authority,
- (e) increasing the capacity of an existing connection to a network operator's distribution pipeline or distribution system without the relevant network operator's authority,
- (f) altering or adding to a gas installation that is connected to a network operator's distribution pipeline or distribution system to cause the supply of gas to be incorrectly metered without the relevant network operator's authority,
- (g) preventing, hindering or obstructing an inspector from exercising the inspector's functions or impersonating an inspector.

Schedule 1[25] increases the maximum penalty for the theft of gas from a distribution pipeline or distribution system and provides that the offence is a continuing offence.

Schedule 1[27] increases the maximum penalty for the offence of interfering with a network operator's gas works and makes it an offence for a person to damage gas works. **Schedule 1[26] and [28]** make consequential amendments.

Schedule 1[29] makes it an offence for a person to interfere with or move a thing seized by government inspectors or to enter or be at a place where a seized thing is being kept.

Schedule 1[30] increases the maximum penalty for individuals who fail to comply with a cyber security direction and provides that the offence is a continuing offence.

Schedule 1[31] enables the regulations to provide for requirements for network operators to give the Minister or Secretary specified information, including information about accidents and

incidents involving distribution pipelines and distribution systems, the operation of basic metering equipment and gas leakages.

Schedule 1[32] provides as follows—

- (a) directions or notices given by inspectors may be revoked or varied by later directions or notices,
- (b) if there is an inconsistency between a direction given by a government inspector and a direction given by a gas industry inspector, the direction of the government inspector prevails to the extent of the inconsistency.

Schedule 1[33] increases the maximum penalties the Local Court may impose in proceedings for an offence and ensures the provisions relating to proceedings for offences in the Supreme and Local Courts are consistent with similar provisions in the *Pipelines Act 1967*.

Schedule 1[34] inserts regulation-making powers in relation to—

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

Schedule 1[35] inserts provisions to enable—

- (a) the delegation of the functions of the Minister and the Secretary, and
- (b) certain offences to be continuing offences, and
- (c) government inspectors to issue penalty notices for certain offences.

Schedule 1[4] and [13]–[18] make minor, consequential amendments in relation to government inspectors and gas industry inspectors.

Schedule 1[36] makes consequential amendments to definitions used in the *Gas Supply Act 1996*.

Schedule 2 Amendment of Pipelines Act 1967 No 90

Schedule 2[2] and [3] make further provision for the delegation of the Minister's functions to the Secretary.

Schedule 2[4] increases the maximum penalties for the unlawful construction and operation of pipelines.

Schedule 2[8] inserts a regulation-making power, which relates to the compulsory acquisition of certain land on which pipelines may be constructed and operated.

Schedule 2[11] provides for offences relating to making or arranging false entries in the register of pipeline licences and producing or tendering false documents. The proposed provision also increases the maximum penalty.

Schedule 2[12] inserts requirements in relation to the carrying out of excavation work. **Schedule 2[26]** inserts a related regulation-making power. Schedule 2[12] also inserts a requirement to notify a licensee if the person damages the licensee's pipeline.

Schedule 2[13] enables the Minister and the Secretary to give directions in relation to pipeline suspension plans.

Schedule 2[14] requires a person whose appointment as an inspector ends to return the person's certificate of authority to the Minister, or a person nominated by the Minister, as soon as practicable after the end of the appointment or by an earlier day directed by the Minister or the Secretary. The amendment also increases the maximum penalty for failing to return the certificate and provides that the offence is a continuing offence.

Schedule 2[15] makes it an offence for a person to prevent, hinder or obstruct an inspector in the exercise of a function under the *Pipelines Act 1967* or to impersonate an inspector.

Schedule 2[16] gives inspectors the following powers—

- (a) the power to enter certain land at any reasonable time to exercise functions under the *Pipelines Act 1967*,
- (b) powers in relation to seizing things, dealing with seized things, carrying out tests, and examining, inspecting, copying and removing records or documents,
- (c) the power to direct licensees to carry out specified activities or take specified actions to ensure the safe conveyance of substances in a pipeline, prevent damage to a pipeline or ensure compliance with the *Pipelines Act 1967* and the regulations,
- (d) the power to direct persons to stop carrying out an activity if the activity is damaging, or is likely to damage, a pipeline or the activity is threatening the safe conveyance of substances in a pipeline or stopping the activity is necessary to ensure compliance with the *Pipelines Act 1967* and the regulations,
- (e) the power to direct a person, or persons generally, to not enter, or to leave, a place by a particular time or for a particular period to enable the proper investigation of a hazardous event or compliance with the *Pipelines Act 1967* and the regulations or because of a potential risk to the safety of persons at the place.

Schedule 2[16] also gives inspectors the power to require a person to give relevant information, including health information, or answer questions, including questions relating to health information. The amendment also provides that—

- (a) a person is not guilty of an offence for failing to comply with a requirement to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence, and
- (b) a person is not excused from a requirement to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.

Schedule 2[16] also enables an inspector to apply for a warrant of entry to land, including a building used for residential purposes, if it is necessary for the inspector to enter and inspect the land.

Schedule 2[17]–[19] make consequential amendments in relation to the new power to give certain directions.

Schedule 2[20] makes it an offence for a person to interfere with or move a thing seized by inspectors or to enter or be at a place where a seized thing is being kept.

Schedule 2[21] updates the following offences—

- (a) the offence of abstracting, arranging to be wasted or diverted, consuming or using any substance being conveyed by a pipeline without lawful excuse,
- (b) the offence of damaging or interfering with the operation of a pipeline without lawful excuse.

Schedule 2[22] enables inspectors to issue penalty notices for certain offences.

Schedule 2[23] increases the maximum penalties that the Local Court may impose in proceedings for an offence and ensures the provisions relating to proceedings for offences in the Supreme and Local Courts are consistent with similar provisions in the *Gas Supply Act 1996*.

Schedule 2[24] and [25] insert regulation-making powers to—

- (a) enable the Minister to direct a licensee or former licensee to dispose of property brought onto land in connection with a pipeline, and

- (b) provide for the suspension of operation of pipelines, including suspension planning and other requirements for licensees.

Schedule 2[1], [5]–[7], [9] and [10] make law revision amendments and minor and consequential amendments.

**Schedule 3 Amendment of Criminal Procedure Act 1986 No
209**

Schedule 3[1]–[3] make amendments consequent on amendments in proposed Schedules 1 and 2.



New South Wales

Energy Amendment (Pipelines and Gas Safety) Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Energy Amendment (Pipelines and Gas Safety) Bill 2024

No. _____, 2024

A Bill for

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

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Energy Amendment (Pipelines and Gas Safety) Act 2024*.

3

2 Commencement

4

This Act commences as follows—

5

(a) for Schedule 2[9] and [10]—on the commencement of the *Energy Legislation Amendment (Clean Energy Future) Act 2024*, Schedule 3[25] and [26],

6

7

(b) otherwise—on the date of assent to this Act.

8

Schedule 1	Amendment of Gas Supply Act 1996 No 38	1
[1]	Section 5 Prohibition of unauthorised gas reticulation	2
	Omit section 5(1), penalty. Insert instead—	3
	Maximum penalty—	4
	(a) 5,000 penalty units, and	5
	(b) for a continuing offence—a further 500 penalty units for each day the offence continues.	6 7
[2]	Section 34 Prohibition of unlicensed distribution of LPG and other gases	8
	Omit the penalty. Insert instead—	9
	Maximum penalty—	10
	(a) 5,000 penalty units, and	11
	(b) for a continuing offence—a further 500 penalty units for each day the offence continues.	12 13
[3]	Sections 54 and 54A	14
	Insert after section 53—	15
	54 Directions relating to disconnection or discontinuance of gas supply	16
	(1) A government inspector may direct a network operator to take reasonable steps to disconnect specified premises from the gas network or discontinue gas supply to specified premises if the government inspector is satisfied it is necessary to ensure compliance with this Act or the regulations.	17 18 19 20
	(2) A government inspector may direct a network operator to reconnect specified premises to the gas network or continue gas supply to specified premises if the government inspector is satisfied it is necessary to ensure compliance with this Act or the regulations.	21 22 23 24
	(3) A network operator must comply with a direction given to the network operator under subsection (1) or (2).	25 26
	Maximum penalty for subsection (3)—	27
	(a) for a corporation—	28
	(i) 5,000 penalty units, and	29
	(ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or	30 31
	(b) for an individual—	32
	(i) 1,000 penalty units, and	33
	(ii) for a continuing offence—a further 100 penalty units for each day the offence continues.	34 35
	54A Power to disconnect or discontinue gas supply	36
	(1) A government inspector may disconnect premises from the gas network or discontinue gas supply to premises if satisfied the disconnection or discontinuance is necessary to ensure the safety of the gas network.	37 38 39
	(2) As soon as practicable after disconnecting premises or discontinuing gas supply to premises, the government inspector must give written notice to the occupier of the premises.	40 41 42

[4] Part 4, Division 2, heading	1
Omit “entry”. Insert instead “inspectors”.	2
[5] Section 55 Powers of entry	3
Omit section 55(2). Insert instead—	4
(2) A government inspector may enter any premises for the purposes of—	5
(a) ascertaining whether an offence against this Act or the regulations has been committed, or	6
(b) preventing or mitigating harm from a hazardous event relating to the supply of gas.	7
[6] Section 56 Notice of entry	10
Omit section 56(1). Insert instead—	11
(1) Before a government inspector exercises a power of entry under this division, the government inspector must give the owner or occupier of the land written notice of the intention to enter the land.	12
(1A) Before a gas industry inspector exercises a power of entry under this division, the network operator must give the owner or occupier of the land written notice of the intention to enter the land.	13
[7] Section 57 Use of force	14
Omit “, but only if authorised by the network operator in accordance with this section” from section 57(1).	15
[8] Section 57(1A)	16
Insert after section 57(1)—	17
(1A) Reasonable force may be used by a gas industry inspector under subsection (1) only if authorised by the network operator in accordance with subsection (2).	18
[9] Section 58, heading	19
Insert “by gas industry inspectors” after “entry”.	20
[10] Section 58(1)	21
Omit “An inspector”. Insert instead “A gas industry inspector”.	22
[11] Section 59 Care to be taken	23
Omit “network operator” from section 59(4). Insert instead “relevant person”.	24
[12] Section 59(5)	25
Insert after section 59(4)—	26
(5) In this section—	27
<i>relevant person</i> means—	28
(a) for a power exercised by a government inspector—the Secretary, or	29
(b) for a power exercised by a gas industry inspector—the network operator.	30
[13] Section 60, heading	31
Insert “by gas industry inspectors” after “inspection”.	32

[14] Section 60	1
Omit “an inspector”. Insert instead “a gas industry inspector”.	2
[15] Section 61 Compensation	3
Insert “by a gas industry inspector” after “Division”.	4
[16] Section 62 Certificates of authority to enter land	5
Omit section 62(1)(a). Insert instead—	6
(a) is in possession of a certificate of authority issued by—	7
(i) for a government inspector—the Secretary, or	8
(ii) for a gas industry inspector—the network operator, and	9
[17] Section 62(2)(e)	10
Omit “extends, and”. Insert instead “extends.”.	11
[18] Section 62(2)(f)	12
Omit the paragraph.	13
[19] Section 62(3)	14
Insert after section 62(2)—	15
(3) A person must, as soon as practicable after ceasing to be an inspector, return the person’s certificate of authority to—	16
(a) if the person was a government inspector—the Secretary, or	17
(b) if the person was a gas industry inspector—the network operator.	18
Maximum penalty for subsection (3)—	19
(a) 100 penalty units, and	20
(b) for a continuing offence—a further 10 penalty units for each day the offence continues.	21
[20] Section 63 Entry to residential premises	22
Insert after section 63(b)—	23
(b1) for a government inspector—for the sole purpose of accessing a consumer service, or	24
[21] Sections 63A–63E	25
Insert after section 63—	26
63A Powers permitted to be exercised on premises	27
(1) A government inspector may, at premises lawfully entered, do the following if the government inspector considers it necessary to ensure compliance with this Act or the regulations—	28
(a) seize a thing, if the government inspector has reasonable grounds for believing the thing is connected with an offence against this Act or the regulations,	29
(b) move a seized thing from the place where the thing is seized or leave the thing at the place where the thing is seized and take reasonable action to restrict access to the thing,	30
(c) make a seized thing inoperable,	31

	Examples of making a thing inoperable— dismantling the thing or removing a component without which the thing is not capable of being used	1 2
	(d) carry out tests,	3
	(e) examine, inspect and remove records or other documents,	4
	(f) copy records or other documents.	5
(2)	The power to seize a thing connected with an offence includes a power to seize—	6 7
	(a) a thing for or with which the offence has been committed, and	8
	(b) a thing providing evidence of the commission of the offence, and	9
	(c) a thing used for the purposes of committing the offence.	10
(3)	The power to do a thing under this section—	11
	(a) includes a power to require or arrange for the thing to be done, and	12
	(b) may be exercised without the consent of the owner of the thing.	13
(4)	The power under subsection (1)(e) and (f) includes a power to examine, inspect and remove a record or other document, or to copy a record or other document, that is or includes an individual's health information the government inspector believes, on reasonable grounds, may be relevant to providing evidence of the commission of an offence against this Act or the regulations.	14 15 16 17 18 19
(5)	In this section, a reference to an offence includes a reference to an offence there are reasonable grounds for believing has been committed.	20 21
63B	Power to require information	22
(1)	A government inspector may, by written notice to a person, require the person to give relevant information to the government inspector.	23 24
(2)	A notice under subsection (1) must specify the following—	25
	(a) the information required to be given,	26
	(b) the form in which the information must be given,	27
	(c) the time within which the information must be given.	28
(3)	A government inspector may require a person to answer questions in relation to a relevant matter if the government inspector believes, on reasonable grounds, the person has knowledge of the relevant matter.	29 30 31
(4)	A government inspector may, by written notice to a person, require the person to attend at a specified place and time to answer questions under subsection (3) if attendance at the place is reasonably required for the questions to be properly put and answered.	32 33 34 35
(5)	The place and time at which a person may be required to attend must be—	36
	(a) a place or time nominated by the person, or	37
	(b) if the place and time nominated is not reasonable in the circumstances or a place and time is not nominated by the person—a place and time nominated by the government inspector that is reasonable in the circumstances.	38 39 40 41
(6)	The power of a government inspector to require a person to give information or answer questions under this section includes a power to require the person to give, or answer questions relating to, health information about an individual the government inspector reasonably believes may provide evidence of the commission of an offence against this Act or the regulations.	42 43 44 45 46

(7)	A person must not, without lawful excuse, fail to comply with a requirement made of the person under this section.	1
	Maximum penalty—	2
	(a) for a corporation—5,000 penalty units, or	3
	(b) for an individual—1,000 penalty units.	4
(8)	A person must not give information in purported compliance with a requirement under this section knowing the information is false or misleading in a material particular.	5
	Maximum penalty—	6
	(a) for a corporation—5,000 penalty units, or	7
	(b) for an individual—1,000 penalty units.	8
(9)	In this section—	9
	<i>relevant information</i> means information that is reasonably required to assist the government inspector in exercising functions under this Act.	10
	<i>relevant matter</i> means a matter in relation to which information is reasonably required to assist the government inspector in exercising functions under this Act.	11
63C	Directions relating to safe supply of gas or prevention of damage to gas works	12
(1)	A government inspector may direct a network operator to carry out a specified activity or take other specified action if the government inspector believes, on reasonable grounds, the carrying out of the activity or the taking of the action is necessary to—	13
	(a) ensure the safe supply of gas by the network operator, or	14
	(b) prevent damage to gas works owned or operated by the network operator, or	15
	(c) ensure the network operator complies with this Act or the regulations.	16
(2)	A government inspector may direct a person to stop carrying out an activity if the government inspector believes, on reasonable grounds—	17
	(a) the activity is damaging, or is likely to damage, gas works, or	18
	(b) the activity otherwise threatens the safe supply of gas, or	19
	(c) it is necessary to ensure the person complies with this Act or the regulations.	20
(3)	A direction must be given in writing unless it is reasonably necessary to give the direction verbally—	21
	(a) because of an emergency, or	22
	(b) to prevent or mitigate an imminent threat of—	23
	(i) death or serious injury to persons, or	24
	(ii) serious damage to property or the safe supply of gas.	25
(4)	A person must comply with a direction given to the person under this section.	26
	Maximum penalty for subsection (4)—	27
	(a) for a corporation—	28
	(i) 5,000 penalty units, and	29
	(ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or	30
	(b) for an individual—	31

(i)	1,000 penalty units, and	1
(ii)	for a continuing offence—a further 100 penalty units for each day the offence continues.	2 3
63D	Directions to enable investigations or protect public safety	4
(1)	A government inspector may direct a person to not enter, or to leave, a specified place by a specified time or for a specified period if the government inspector is satisfied it is reasonably necessary to give the direction—	5 6 7
(a)	to enable the proper investigation of—	8
(i)	a hazardous event relating to gas works, or	9
(ii)	a person’s compliance with this Act or the regulations, or	10
(b)	because of a potential risk to the safety of persons at the place posed by, or as a result of, a hazardous event relating to gas works.	11 12
(2)	A direction may apply to—	13
(a)	persons generally, or	14
(b)	a specified person or class of persons.	15
(3)	A direction must be given in writing unless it is reasonably necessary to give the direction verbally—	16 17
(a)	because of an emergency, or	18
(b)	to prevent or mitigate an imminent threat of—	19
(i)	death or serious injury to persons, or	20
(ii)	serious damage to property or the safe supply of gas.	21
(4)	A direction that applies to persons generally or to a specified class of persons may be given by notice prominently displayed at the place where the direction applies.	22 23 24
(5)	A direction that applies to a specified person must be given to the person.	25
(6)	A person must comply with a direction that applies to the person under this section.	26 27
	Maximum penalty for subsection (6)—	28
(a)	for a corporation—	29
(i)	5,000 penalty units, and	30
(ii)	for a continuing offence—a further 500 penalty units for each day the offence continues, or	31 32
(b)	for an individual—	33
(i)	1,000 penalty units, and	34
(ii)	for a continuing offence—a further 100 penalty units for each day the offence continues.	35 36
63E	Provisions relating to requirements to give information or answer questions	37
(1)	A person is not guilty of an offence of failing to comply with a requirement under this division to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence.	38 39 40 41
(2)	A person is not excused from a requirement under this division to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.	42 43 44

(3)	However, information or an answer given by a natural person in compliance with a requirement under this division is not admissible in evidence against the person in criminal proceedings, other than proceedings under this division, if—	1 2 3 4
(a)	the person objected at the time to doing so on the ground that it might incriminate the person, or	5 6
(b)	the person was not warned on that occasion that the person may object to giving the information or answer on the ground that it might incriminate the person.	7 8 9
(4)	A record given by a person in compliance with a requirement under this division to give information is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.	10 11 12 13
(5)	Further information obtained as a result of information or an answer given in compliance with a requirement under this division is not inadmissible on the ground that—	14 15 16
(a)	the information or answer had to be given, or	17
(b)	the information or answer given might incriminate the person.	18
(6)	This section extends to a requirement under this division to state a person's name and address.	19 20
[22]	Section 64 Warrants of entry	21
	Insert before section 64(1)—	22
(1A)	A government inspector may apply to an authorised officer for a warrant of entry if, in the government inspector's opinion, it is necessary for the government inspector to enter and inspect land, including a building used for residential purposes, for the purposes of this Act.	23 24 25 26
[23]	Sections 64C Requirements in relation to carrying out of certain excavation work	27
	Omit section 64C(1) and (3), penalties. Insert instead—	28
	Maximum penalty—	29
(a)	for a corporation—2,000 penalty units, or	30
(b)	for an individual—400 penalty units.	31
[24]	Sections 64D(1) and 67–72	32
	Omit the penalties. Insert instead—	33
	Maximum penalty—	34
(a)	for a corporation—5,000 penalty units, or	35
(b)	for an individual—1,000 penalty units.	36
[25]	Section 65 Theft of gas	37
	Omit the penalty. Insert instead—	38
	Maximum penalty—	39
(a)	for a corporation—	40
(i)	2,000 penalty units, and	41
(ii)	for a continuing offence—a further 200 penalty units for each day the offence continues, or	42 43
(b)	for an individual—	44

	(i) 500 penalty units, and	1
	(ii) for a continuing offence—a further 50 penalty units for each day the offence continues.	2 3
[26]	Section 66, heading	4
	Insert “or damage to” after “with”.	5
[27]	Section 66(1)	6
	Omit the subsection. Insert instead—	7
	(1) A person must not—	8
	(a) interfere with a network operator’s gas works unless authorised to do so by the network operator, or	9 10
	(b) damage gas works.	11
	Maximum penalty—	12
	(a) for a corporation—10,000 penalty units, or	13
	(b) for an individual—5,000 penalty units or imprisonment for 5 years, or both.	14 15
[28]	Section 66(4)	16
	Omit the subsection. Insert instead—	17
	(4) Section 81 does not apply to an offence under this section that is dealt with on indictment.	18 19
[29]	Section 72AA	20
	Insert after section 72—	21
	72AA Unlawfully interfering with seized thing	22
	(1) A person, other than a government inspector, must not do, or attempt to do, any of the following acts in relation to a thing seized under section 63A unless the person has a reasonable excuse—	23 24 25
	(a) unlawfully interfere with the thing or something done under section 63A(1)(b) to restrict access to the thing,	26 27
	(b) enter, or be at, the place where the thing is being kept,	28
	(c) move the thing from the place where the thing is being kept.	29
	Maximum penalty—	30
	(a) for a corporation—5,000 penalty units, or	31
	(b) for an individual—1,000 penalty units.	32
	(2) It is a reasonable excuse for subsection (1) if the act is authorised by a government inspector.	33 34
[30]	Section 76A Cyber security directions	35
	Omit section 76A(4), penalty. Insert instead—	36
	Maximum penalty for subsection (4)—	37
	(a) for a corporation—	38
	(i) 2,000 penalty units, and	39
	(ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or	40 41

(b)	for an individual—	1
(i)	400 penalty units, and	2
(ii)	for a continuing offence—a further 40 penalty units for each day the offence continues.	3
		4
[31]	Section 76B	5
	Insert after section 76A—	6
76B	Notification and reporting requirements for network operators	7
(1)	The regulations may require a network operator to comply with specified requirements to give information to the Minister or Secretary, including in relation to the following—	8
		9
		10
(a)	accidents and incidents involving distribution pipelines and distribution systems, including gas releases,	11
		12
(b)	the operation of basic metering equipment,	13
(c)	gas leakages.	14
(2)	The requirements may be —	15
(a)	specified in the regulations, or	16
(b)	specified by the Minister.	17
	Note— Section 83(6) allows the regulations to create an offence punishable by a penalty not exceeding—	18
		19
(a)	for a corporation—10,000 penalty units, or	20
(b)	for an individual—5,000 penalty units.	21
[32]	Sections 77A and 77B	22
	Insert after section 77—	23
77A	Revocation or variation of directions and notices given by inspectors	24
(1)	A direction or notice given by an inspector under this Act may be revoked or varied by a later direction or notice.	25
		26
(2)	Without limiting subsection (1), a direction or notice may be varied as follows—	27
		28
(a)	by including a new requirement or specification in the direction or notice,	29
		30
(b)	by substituting, omitting or amending a requirement or specification in the direction or notice,	31
		32
(c)	by extending the time for complying with the direction or notice.	33
(3)	A direction or notice must not be varied to reduce the time for complying with the direction or notice.	34
		35
(4)	A direction or notice may only be revoked or varied by—	36
(a)	for a direction or notice given by a government inspector—	37
(i)	the government inspector who gave the notice or direction, or	38
(ii)	another government inspector, or	39
(b)	for a direction or notice given by a gas industry inspector—	40
(i)	the gas industry inspector who gave the notice or direction, or	41

	(ii) another gas industry inspector appointed by the same network operator that appointed the gas industry inspector who gave the notice.	1 2 3
77B	Inconsistency between directions given by government inspectors and directions given by gas industry inspectors	4 5
	(1) This section applies if there is an inconsistency between a direction given by a government inspector under this Act and a direction given by a gas industry inspector under this Act.	6 7 8
	(2) Despite any other provision of this Act—	9
	(a) the direction of the government inspector prevails to the extent of the inconsistency, and	10 11
	(b) a person to whom both directions apply does not commit an offence for failing to comply with the direction of the gas industry inspector to the extent that it is inconsistent with the direction of the government inspector.	12 13 14 15
[33]	Section 81 Proceedings for offences	16
	Omit section 81(4). Insert instead—	17
	(4) The maximum monetary penalty that may be imposed by the Local Court in proceedings for an offence against a provision of this Act or the regulations is—	18 19 20
	(a) for a corporation—2,000 penalty units, and	21
	(b) for an individual—1,000 penalty units.	22
[34]	Section 83 Regulations	23
	Omit “undertakings.” from section 83(2)(m)(vi). Insert instead—	24
	undertakings,	25
	(n) the decommissioning of gas networks and the cessation of operation of gas networks, including decommissioning and abandonment planning and other requirements for network operators,	26 27 28
	(o) the suspension of operation of gas networks, including suspension planning and other requirements for network operators.	29 30
[35]	Sections 83A–85	31
	Insert after section 83—	32
83A	Delegation	33
	(1) The Minister may delegate the Minister’s functions under this Act to the Secretary, other than the following—	34 35
	(a) this power of delegation,	36
	(b) the Minister’s functions under sections 9, 11, 11A, 12, 38, 40 and 41.	37
	(2) The Secretary may subdelegate a function delegated to the Secretary by the Minister under subsection (1) to an authorised person, unless the Minister otherwise provides in the instrument of delegation to the Secretary.	38 39 40
	(3) The Secretary may delegate the Secretary’s functions under this Act, other than this power of delegation, to an authorised person.	41 42
	(4) In this section—	43

<i>authorised person</i> means the following—	1
(a) a person employed in the Department,	2
(b) a person, or person of a class, prescribed by the regulations.	3
84 Continuing offences	4
(1) This section applies to a provision of this Act or the regulations requiring a person to do, or stop doing, something (a <i>continuing requirement provision</i>), regardless of whether—	5 6 7
(a) the requirement is imposed by a direction or notice or in another way, or	8
(b) the person must do or stop doing something within a specified period.	9
(2) A person who is guilty of an offence because the person contravenes a continuing requirement provision—	10 11
(a) continues, until the requirement is complied with and despite the fact a specified period has expired or time has passed, to be liable to comply with the requirement, and	12 13 14
(b) is guilty of a continuing offence for each day the contravention continues.	15 16
(3) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide a penalty for a continuing offence.	17 18
(4) This section does not apply to the extent that a requirement imposed on a person is revoked.	19 20
85 Penalty notices	21
(1) A government inspector may issue a penalty notice to a person if it appears to the government inspector that the person has committed a penalty notice offence.	22 23 24
(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.	25 26
(3) The <i>Fines Act 1996</i> applies to a penalty notice issued under this section.	27
Note— The <i>Fines Act 1996</i> provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to further proceedings for the alleged offence.	28 29 30
(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.	31 32 33 34
(5) This section does not limit the operation of another provision of, or made under, this or another Act relating to proceedings that may be taken for offences.	35 36 37
[36] Schedule 3 Dictionary	38
Omit the definition of <i>inspector</i> . Insert instead in alphabetical order—	39
<i>gas industry inspector</i> means an inspector appointed by a network operator under section 77(2).	40 41
<i>government inspector</i> means an inspector appointed by the Minister under section 77(1).	42 43
<i>hazardous event</i> means an event that causes or has the potential to cause—	44
(a) physical injury or damage to the health of a person, or	45

- (b) damage to property or the environment. 1
- health information** has the same meaning as in the *Health Records and Information Privacy Act 2002*. 2
3
- inspector** means a government inspector or gas industry inspector. 4
- Secretary** means the Secretary of the Department. 5

Schedule 2 Amendment of Pipelines Act 1967 No 90

[1] Section 3 Definitions

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

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

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

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

inspector means an inspector appointed under section 59.

[2] Section 4 Delegation of functions

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

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

[3] Section 4(1A)

Insert after section 4(1)—

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

[4] Section 11 Construction and operation of pipelines

Omit the penalty. Insert instead—

Maximum penalty—

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

[5] Section 16 Cyber security requirements

Insert after section 16(2)—

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

[6] Section 16B Licence conditions—cyber security

Omit the section.

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

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

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

[8] Section 22 Availability of certain land etc for compulsory acquisition	1
Insert after section 22(3)—	2
(4) The regulations may make provision in relation to the operation of subsection (1)(d)(ii), including by—	3
(a) providing for what constitutes reasonable steps, and	4
(b) providing for the matters the Minister must consider for the purposes of that subsection, and	5
(c) applying or adopting guidelines in force from time to time.	6
[9] Section 37 Licence fees	7
Insert after section 37(3)—	8
(4) A fee, including any additional amount payable under subsection (3), is a debt due by the licensee to the Crown and is recoverable in a court of competent jurisdiction.	9
[10] Section 39 Fees and penalties debts due to the Crown	10
Omit the section.	11
[11] Section 54	12
Omit the section. Insert instead—	13
54 Offence relating to register of licences	14
A person must not wilfully—	15
(a) make, arrange to be made or concur in making a false entry in the register, or	16
(b) produce or tender in evidence a document falsely purporting to be—	17
(i) a copy of or extract from an entry in the register, or	18
(ii) a copy of or extract from an instrument lodged with the Minister under this part.	19
Maximum penalty—	20
(a) for a corporation—2,000 penalty units, or	21
(b) for an individual—500 penalty units or imprisonment for 2 years, or both.	22
[12] Sections 56A and 56B	23
Insert after section 56—	24
56A Requirements in relation to carrying out of certain excavation work	25
(1) This section applies to excavation work in an area, and of a kind, prescribed by the regulations.	26
(2) A person must not commence excavation work, or authorise excavation work to be commenced, unless the person has—	27
(a) contacted the designated information provider and requested information about the location and type of any pipelines in the area of the proposed excavation work, and	28
(b) complied with any reasonable procedures of the designated information provider about—	29
(i) how to contact the designated information provider, and	30

(ii)	the information the person must give the designated information provider in connection with the person's request for information, and	1 2 3
(c)	allowed a reasonable period for the requested information to be given by the designated information provider.	4 5
	Maximum penalty—	6
(a)	for a corporation—2,000 penalty units, or	7
(b)	for an individual—400 penalty units.	8
(3)	Subsection (2) does not require a person to comply with the requirements of the subsection in relation to excavation work if another person has already complied with the requirements in relation to the excavation work.	9 10 11
(4)	A person must not carry out excavation work, or authorise excavation work to be carried out, unless the person has ensured any requirements of the regulations in relation to the carrying out of the excavation work are complied with.	12 13 14 15
	Maximum penalty—	16
(a)	for a corporation—2,000 penalty units, or	17
(b)	for an individual—400 penalty units.	18
(5)	The regulations may make provision about the following—	19
(a)	the requirements in relation to the carrying out of excavation work,	20
(b)	the requirements for giving notice to a specified person or body, or person or body of a specified class, in relation to the carrying out of excavation work,	21 22 23
(c)	the monitoring of excavation work,	24
(d)	what constitutes reasonable procedures for subsection (2)(b),	25
(e)	what constitutes a reasonable period for requested information to be given by a designated information provider for subsection (2)(c).	26 27
(6)	In this section—	28
	<i>designated information provider</i> means—	29
(a)	Before You Dig Australia Limited, ABN 91 089 413 650, or	30
(b)	if another person or body is prescribed by the regulations—the other person or body.	31 32
56B	Notification of damage to pipelines	33
(1)	As soon as practicable after becoming aware that a person's action, or action authorised by the person, has damaged a pipeline, the person must notify the licensee for the pipeline of the damage.	34 35 36
	Maximum penalty—	37
(a)	for a corporation—5,000 penalty units, or	38
(b)	for an individual—1,000 penalty units.	39
(2)	The regulations may provide for the way in which a person must notify the licensee under subsection (1).	40 41
(3)	Subsection (1) does not require a person to notify the licensee of the damage if another person has already notified the licensee of the damage.	42 43

[13] Section 58A Directions by the Minister and Secretary	1
Insert “, pipeline suspension plans” after “decommissioning plans” in section 58A(1B)(a).	2
[14] Section 59 Inspectors	3
Omit section 59(3). Insert instead—	4
(3) If a person ceases to be an inspector, the person must return the person’s certificate of authority to the Minister or the Minister’s nominee—	5
(a) as soon as practicable after the person’s appointment ends, or	6
(b) if the Minister or the Secretary directs the person to return the certificate by an earlier day—by the directed day.	7
Maximum penalty—	8
(a) 100 penalty units, and	9
(b) for a continuing offence—a further 10 penalty units for each day the offence continues.	10
(4) In this section—	11
<i>Minister’s nominee</i> means a person nominated by the Minister by written notice given to the person required to return the certificate of authority.	12
[15] Section 59A	13
Insert after section 59—	14
59A Obstruction or impersonation of inspectors	15
A person must not—	16
(a) prevent an inspector from exercising the inspector’s functions under this Act, or	17
(b) hinder or obstruct an inspector in the exercise of the inspector’s functions under this Act, or	18
(c) impersonate an inspector.	19
Maximum penalty—	20
(a) for a corporation—5,000 penalty units, or	21
(b) for an individual—1,000 penalty units.	22
[16] Sections 60–60AG	23
Omit section 60. Insert instead—	24
60 Entry powers of inspectors	25
(1) An inspector may, at any reasonable time—	26
(a) enter relevant land for the purposes of exercising the inspector’s functions under this Act, including for the following purposes—	27
(i) carrying out preliminary investigations in relation to the proposed installation or extension of a pipeline,	28
(ii) inspecting or testing a pipeline,	29
(iii) taking samples of a substance being conveyed by a pipeline,	30
(iv) ascertaining whether an offence against this Act or the regulations has been committed,	31
(v) preventing or mitigating harm from a hazardous event relating to a pipeline, and	32

- (b) enter land, including land on which residential premises are located, that is subject to an easement in favour of a licensee to access a pipeline to which the easement relates for the purposes of exercising the inspector's functions under this Act, including the purposes mentioned in paragraph (a). 1
2
3
4
5
- (2) Before an inspector exercises a power of entry under this section, the inspector must produce the inspector's certificate of authority for inspection by the owner or occupier of the land to be entered. 6
7
8
- (3) An inspector may require the occupier or person in charge of a building, structure or place to provide the inspector with reasonable facilities and assistance for the effective exercise of the inspector's powers under this section. 9
10
11
12
- (4) An occupier or person in charge of a building, structure or place must comply with a requirement made of the occupier or person under subsection (3). 13
14
- (5) This section does not authorise entry into a part of premises being used solely for residential purposes, except— 15
16
- (a) with the consent of the occupier of the part of the premises, or 17
- (b) under the authority of a search warrant. 18
- (6) In this section— 19
- certificate of authority*, for an inspector, means the certificate issued to the inspector by the Minister under section 59(2). 20
21
- relevant land* means— 22
- (a) land in relation to which an authority to survey is in force, or 23
- (b) land that is part of the licence area for a licence. 24
- 60AA Powers permitted to be exercised on land or premises** 25
- (1) An inspector may, at land or premises lawfully entered, do the following if the inspector considers it necessary to ensure compliance with this Act or the regulations— 26
27
28
- (a) seize a thing if the inspector has reasonable grounds for believing the thing is connected with an offence against this Act or the regulations, 29
30
- (b) move a seized thing from the place where the thing is seized or leave the thing at the place where the thing is seized and take reasonable action to restrict access to the thing, 31
32
33
- (c) make a seized thing inoperable, 34
- Examples of making a thing inoperable—** dismantling the thing or removing a component without which the thing is not capable of being used 35
36
- (d) carry out tests, 37
- (e) take samples of a substance being conveyed by a pipeline, 38
- (f) examine, inspect and remove records or other documents, 39
- (g) copy records or other documents. 40
- (2) The power to seize a thing connected with an offence includes a power to seize— 41
42
- (a) a thing for or with which the offence has been committed, and 43
- (b) a thing providing evidence of the commission of the offence, and 44
- (c) a thing used for the purposes of committing the offence. 45

(3)	The power to do a thing under this section—	1
(a)	includes a power to require or arrange for the thing to be done, and	2
(b)	may be exercised without the consent of the owner of the thing.	3
(4)	The power under subsection (1)(f) and (g) includes a power to examine, inspect and remove a record or other document, or to copy a record or other document, that is or includes an individual's health information the inspector believes, on reasonable grounds, may be relevant to providing evidence of the commission of an offence against this Act or the regulations.	4 5 6 7 8
(5)	In this section, a reference to an offence includes a reference to an offence there are reasonable grounds for believing has been committed.	9 10
60AB	Power to require information	11
(1)	An inspector may, by written notice to a person, require the person to give relevant information to the inspector.	12 13
(2)	A notice under subsection (1) must specify the following—	14
(a)	the information required to be given,	15
(b)	the form in which the information must be given,	16
(c)	the time within which the information must be given.	17
(3)	An inspector may require a person to answer questions in relation to a relevant matter if the inspector believes, on reasonable grounds, the person has knowledge of the relevant matter.	18 19 20
(4)	An inspector may, by written notice to a person, require the person to attend at a specified place and time to answer questions under subsection (3) if attendance at the place is reasonably required for the questions to be properly put and answered.	21 22 23 24
(5)	The place and time at which a person may be required to attend must be—	25
(a)	a place or time nominated by the person, or	26
(b)	if the place and time nominated is not reasonable in the circumstances or a place and time is not nominated by the person—a place and time nominated by the inspector that is reasonable in the circumstances.	27 28 29
(6)	The power of an inspector to require a person to give information or answer questions under this section includes a power to require the person to give, or answer questions relating to, health information about an individual the inspector reasonably believes may provide evidence of the commission of an offence against this Act or the regulations.	30 31 32 33 34
(7)	A person must not, without lawful excuse, fail to comply with a requirement made of the person under this section.	35 36
	Maximum penalty—	37
(a)	for a corporation—5,000 penalty units, or	38
(b)	for an individual—1,000 penalty units.	39
(8)	A person must not give information in purported compliance with a requirement under this section knowing the information is false or misleading in a material particular.	40 41 42
	Maximum penalty—	43
(a)	for a corporation—5,000 penalty units, or	44
(b)	for an individual—1,000 penalty units.	45

(9)	In this section—	1
	<i>relevant information</i> means information that is reasonably required to assist the inspector in exercising functions under this Act.	2
		3
	<i>relevant matter</i> means a matter in relation to which information is reasonably required to assist the inspector in exercising functions under this Act.	4
		5
60AC	Directions relating to prevention of damage to pipelines	6
(1)	An inspector may direct a licensee to carry out a specified activity or take other specified action if the inspector believes, on reasonable grounds, the carrying out of the activity or the taking of the action is necessary to—	7
		8
		9
	(a) ensure the safe conveyance of substances in a pipeline specified in the licensee’s licence, or	10
		11
	(b) prevent damage to a pipeline specified in the licensee’s licence, or	12
	(c) otherwise ensure the licensee complies with this Act or the regulations.	13
(2)	An inspector may direct a person to stop carrying out an activity if the inspector believes, on reasonable grounds—	14
		15
	(a) the activity is damaging, or is likely to damage, a pipeline, or	16
	(b) the activity otherwise threatens the safe conveyance of substances in a pipeline, or	17
		18
	(c) it is necessary to ensure the person complies with this Act or the regulations.	19
		20
(3)	A direction must be given in writing unless it is reasonably necessary to give the direction verbally—	21
		22
	(a) because of an emergency, or	23
	(b) to prevent or mitigate an imminent threat of—	24
	(i) death or serious injury to persons, or	25
	(ii) serious damage to property or the safe conveyance of a substance in a pipeline.	26
		27
(4)	A person must comply with a direction given to the person under this section.	28
	Maximum penalty for subsection (4)—	29
	(a) for a corporation—	30
	(i) 5,000 penalty units, and	31
	(ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or	32
		33
	(b) for an individual—	34
	(i) 1,000 penalty units, and	35
	(ii) for a continuing offence—a further 100 penalty units for each day the offence continues.	36
		37
60AD	Directions to enable investigations or protect public safety	38
(1)	An inspector may direct a person to not enter, or to leave, a specified place by a specified time or for a specified period if the inspector is satisfied it is reasonably necessary to give the direction—	39
		40
		41
	(a) to enable the proper investigation of—	42
	(i) a hazardous event relating to a pipeline, or	43
	(ii) a person’s compliance with this Act or the regulations, or	44

(b)	because of a potential risk to the safety of persons at the place posed by, or as a result of, a hazardous event relating to a pipeline.	1 2
(2)	A direction may apply to—	3
(a)	persons generally, or	4
(b)	a specified person or class of persons.	5
(3)	A direction must be given in writing unless it is reasonably necessary to give the direction verbally—	6 7
(a)	because of an emergency, or	8
(b)	to prevent or mitigate an imminent threat of—	9
(i)	death or serious injury to persons, or	10
(ii)	serious damage to property or the safe supply of gas.	11
(4)	A direction that applies to persons generally or to a specified class of persons may be given by notice prominently displayed at the place where the direction applies.	12 13 14
(5)	A direction that applies to a specified person must be given to the person.	15
(6)	A person must comply with a direction that applies to the person under this section.	16 17
	Maximum penalty for subsection (6)—	18
(a)	for a corporation—	19
(i)	5,000 penalty units, and	20
(ii)	for a continuing offence—a further 500 penalty units for each day the offence continues, or	21 22
(b)	for an individual—	23
(i)	1,000 penalty units, and	24
(ii)	for a continuing offence—a further 100 penalty units for each day the offence continues.	25 26
60AE	Provisions relating to requirements to give information or answer questions	27
(1)	A person is not guilty of an offence of failing to comply with a requirement under this part to give information or answer a question unless the person was warned on that occasion that a failure to comply with the requirement is an offence.	28 29 30 31
(2)	A person is not excused from a requirement under this part to give information or answer a question on the ground that the information or answer might incriminate the person or make the person liable to a penalty.	32 33 34
(3)	However, information or an answer given by a natural person in compliance with a requirement under this part is not admissible in evidence against the person in criminal proceedings, other than proceedings under this part, if—	35 36 37
(a)	the person objected at the time to doing so on the ground that it might incriminate the person, or	38 39
(b)	the person was not warned on that occasion that the person may object to giving the information or answer on the ground that it might incriminate the person.	40 41 42
(4)	A record given by a person in compliance with a requirement to give information under this part is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.	43 44 45 46

(5)	Further information obtained as a result of information or an answer given in compliance with a requirement under this part is not inadmissible on the ground that—	1 2 3
(a)	the information or answer had to be given, or	4
(b)	the information or answer given might incriminate the person.	5
(6)	This section extends to a requirement under this part to state a person’s name and address.	6 7
60AF	Warrants of entry	8
(1)	An inspector may apply to an authorised officer for a warrant of entry if, in the inspector’s opinion, it is necessary for the inspector to enter and inspect any land, including a building used for residential purposes, for the purposes of this Act.	9 10 11 12
(2)	An authorised officer to whom an application for a warrant is made may, if satisfied there are reasonable grounds for doing so, issue a warrant of entry authorising an inspector named in the warrant to enter and inspect the land for the purposes of this Act.	13 14 15 16
(3)	The <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 5, Division 4 applies to a warrant of entry under this section in the same way as it applies to a search warrant under that Act.	17 18 19
(4)	In this section— <i>authorised officer</i> has the same meaning as in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	20 21 22
60AG	Revocation or variation of directions and notices by inspectors	23
(1)	A direction or notice given by an inspector under this Act may be revoked or varied by a later direction or notice.	24 25
(2)	Without limiting subsection (1), a direction or notice may be varied as follows—	26 27
(a)	by including a new requirement or specification in the direction or notice,	28 29
(b)	by substituting, omitting or amending a requirement or specification in the direction or notice,	30 31
(c)	by extending the time for complying with the direction or notice.	32
(3)	A direction or notice must not be varied to reduce the time for complying with the direction or notice.	33 34
(4)	A direction or notice may only be revoked or varied by—	35
(a)	the inspector who gave the notice or direction, or	36
(b)	another inspector.	37
[17]	Section 60A Stop notices	38
	Omit the section.	39
[18]	Section 60B, heading	40
	Omit “ stop notices ”. Insert instead “ certain directions ”.	41
[19]	Section 60B(1)	42
	Omit the subsection. Insert instead—	43

(1)	A person to whom a direction is given under section 60AC may appeal to the Land and Environment Court against the direction, including against a direction varied under section 60AG.	1 2 3
[20]	Section 62	4
	Insert after section 61—	5
	62 Unlawfully interfering with seized thing	6
(1)	A person, other than an inspector, must not do, or attempt to do, any of the following acts in relation to a thing seized under section 60AA unless the person has a reasonable excuse—	7 8 9
(a)	unlawfully interfere with the thing or something done under section 60AA(1)(b) to restrict access to the thing,	10 11
(b)	enter, or be at, the place where the thing is being kept,	12
(c)	move the thing from the place where the thing is being kept.	13
	Maximum penalty—	14
(a)	for a corporation—5,000 penalty units, or	15
(b)	for an individual—1,000 penalty units.	16
(2)	It is a reasonable excuse for subsection (1) if the act is authorised by an inspector.	17 18
[21]	Section 63	19
	Omit sections 63 and 64. Insert instead—	20
	63 Theft of substances from pipelines and damaging pipelines	21
(1)	A person must not, without lawful excuse, abstract, arrange to be wasted or diverted, consume or use any substance being conveyed by a pipeline.	22 23
	Maximum penalty—	24
(a)	for a corporation—	25
(i)	2,000 penalty units, and	26
(ii)	for a continuing offence—a further 200 penalty units for each day the offence continues, or	27 28
(b)	for an individual—	29
(i)	500 penalty units or imprisonment for 5 years, or both, and	30
(ii)	for a continuing offence—a further 50 penalty units for each day the offence continues.	31 32
(2)	A person must not, without lawful excuse—	33
(a)	damage a pipeline, or	34
(b)	interfere with the operation of a pipeline.	35
	Maximum penalty—	36
(a)	for a corporation—10,000 penalty units, or	37
(b)	for an individual—5,000 penalty units or imprisonment for 5 years, or both.	38 39
(3)	An offence under this section that is committed by an individual is an indictable offence.	40 41
(4)	The <i>Criminal Procedure Act 1986</i> , Chapter 5 applies to an offence under this section.	42 43

(5)	Section 67 does not apply to an offence under this section that is dealt with on indictment.	1 2
[22]	Section 66	3
	Insert after section 65—	4
	66 Penalty notices	5
(1)	An inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.	6 7
(2)	A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.	8 9
(3)	The <i>Fines Act 1996</i> applies to a penalty notice issued under this section. Note— The <i>Fines Act 1996</i> provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to further proceedings for the alleged offence.	10 11 12 13
(4)	The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.	14 15 16 17
(5)	This section does not limit the operation of another provision of, or made under, this or another Act relating to proceedings that may be taken for offences.	18 19 20
[23]	Section 67	21
	Omit sections 67 and 68. Insert instead—	22
	67 Proceedings for offences	23
(1)	Proceedings for an offence under this Act or the regulations may be dealt with summarily before—	24 25
	(a) the Local Court, or	26
	(b) the Supreme Court in its summary jurisdiction.	27
(2)	The maximum monetary penalty that may be imposed by the Local Court in proceedings for an offence under this Act or the regulations is—	28 29
	(a) for a corporation—2,000 penalty units, and	30
	(b) for an individual—1,000 penalty units.	31
(3)	The maximum monetary penalty that may be imposed by the Supreme Court in its summary jurisdiction in proceedings for an offence under this Act or the regulations is the maximum monetary penalty provided by this Act or the regulations for the offence.	32 33 34 35
[24]	Schedule 2 Regulation-making powers	36
	Omit “operated.” from clause 1(f). Insert instead—	37
	operated,	38
	(g) suspension of operation of pipelines, including suspension planning and other requirements for licensees.	39 40
[25]	Schedule 2, clause 13(a)	41
	Insert “or dispose of” after “remove”.	42

[26] Schedule 2	1
Insert at the end of the schedule, with appropriate clause numbering—	2
Obligations of licensees in relation to designated information providers	3
(1) Requiring a licensee to be a member of a designated information provider and to comply with membership obligations.	4 5
(2) Requiring a licensee to give information about underground pipelines to a designated information provider, including in relation to a request for information under section 56A.	6 7 8
(3) In this clause— <i>designated information provider</i> has the same meaning as in section 56A.	9 10

Schedule 3	Amendment of Criminal Procedure Act 1986 No 209	1
		2
[1] Section 268 Maximum penalties for Table 2 offences		3
Omit section 268(2)(g).		4
[2] Schedule 1 Indictable offences triable summarily		5
Omit “underground electricity power lines and gas pipelines” from Table 2, Part 12, heading.		6
Insert instead “pipelines, electricity and gas”.		7
[3] Schedule 1, Table 2, clause 20		9
Insert before clause 21—		10
20 Pipelines Act 1967		11
An offence under the <i>Pipelines Act 1967</i> , section 63 committed by an individual.		12
		13