

NORTHERN TERRITORY OF AUSTRALIA

ENERGY PIPELINES REGULATIONS

As in force at 21 September 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 21 September 2011. Any amendments that commence after that date are not included.

ENERGY PIPELINES REGULATIONS

Regulations under the *Energy Pipelines Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Energy Pipelines Regulations*.

2 Interpretation

(1) In these Regulations, unless the contrary intention appears:

AS followed by a designation refers to the Australian Standard having that designation that is published by the Standards Association of Australia.

independent validator, in relation to a validation, means a person who has the necessary competence and ability, and access to data, in relation to the matters being validated, to arrive at an independent opinion on the matters.

Pipeline:

- (a) has the same meaning as in the Act; and
- (b) includes equipment and systems that are related to a pipeline within the meaning of the Act.

pipeline management plan in force, in relation to a pipeline, means:

- (a) a pipeline management plan for the pipeline submitted by or for the pipeline licensee and accepted under these Regulations; or

- (b) if the pipeline management plan is accepted in part – that part of the pipeline management plan that is accepted,

as revised from time to time under these Regulations, but does not include a pipeline management plan for which the acceptance has been withdrawn.

pipeline management system description, in relation to a pipeline, means a description of the matters specified in regulation 29 in relation to the pipeline.

reportable incident means an incident that:

- (a) results in significant damage to a pipeline (for example, by reducing the capacity of the pipeline to contain energy-producing hydro-carbons flowing through it);
- (b) results in the death of a person;
- (c) results in serious injury to a person;
- (d) is likely to have a result of a kind mentioned in paragraph (a), (b) or (c); or
- (e) is of kind that a reasonable pipeline licensee would consider to require immediate investigation.

significant pipeline accident event means an event that;

- (a) is connected (whether immediately or after delay) with work carried out on, or in relation to, a pipeline; and
- (b) causes, or creates a significant risk of causing, human deaths (for example, because of hydrocarbon releases).

validation has the meaning in regulation 3 and **validate** has a corresponding meaning.

- (2) In these Regulations, a pipeline is to be taken to be decommissioned if:
 - (a) the pipeline ceases operation, other than:
 - (i) temporarily for maintenance; or
 - (ii) for a period agreed between the Minister and pipeline licensee for the pipeline; or
 - (b) the pipeline is removed.

- (3) In these Regulations, ***Australian Standard*** means a standard for publication on behalf of the Council of the Standards Association of Australia, being the association of that name incorporated by Royal Charter.
- (4) For the purposes of these Regulations:
 - (a) a reference to an Australian Standard or a part of an Australian Standard published on a date specified in these Regulations is to be read as a reference to the Australian Standard or the part of the Australian Standard, as the case requires, approved for publication on that date; and
 - (b) if an Australian Standard refers to another instrument, that instrument is to be taken to be incorporated with, and form part of, the Australian Standard.

3 Meaning of validation

- (1) A validation of a proposal for a pipeline under these Regulations is a statement in writing by an independent validator that:
 - (a) the proposal is suitable for the purposes for which it is proposed;
 - (b) if the proposal includes a modification of the pipeline that may affect the integrity of the pipeline – there are reasonable grounds to believe that the modification will result in the pipeline being suitable for the purposes for which it is to be used;
 - (c) the proposal is consistent with the pipeline management system description in the pipeline management plan in force for the pipeline; and
 - (d) the proposal complies with any Australian Standards or international standards that are specified in the pipeline management plan as applying to that kind of proposal.
- (2) A validation is to cover the scope of the validation agreed under these Regulations.

Part 2 Prescribed requirements and fees

4 Form of instrument of transfer

An instrument of transfer referred to in section 46(3) of the Act is to be in accordance with Form 1 in Schedule 1.

5 Prescribed map

For the purposes of section 5(2)(c) of the Act, a prescribed map is a map in an electronic format from the Australian Surveying and Land Information Group.

6 Prescribed plan

For the purposes of section 13(2)(c) of the Act, a plan is to be drawn in an electronic format containing map grids and geographical co-ordinates in accordance with the Geocentric Datum of Australia established by the Intergovernmental Committee on Surveying and Mapping.

7 Licence fees

- (1) Subject to this regulation, for the purposes of section 30(1) of the Act, the unit amount is 60 cents.
- (2) If a licence fee referred to in section 30(1) of the Act is payable in respect of a period any part of which is after 30 June 2000, the unit amount prescribed in subregulation (1) is increased by 10%, on and from 1 July 2000, in respect of the licence fee payable for the part after 30 June 2000.
- (3) The additional amount payable as a result of the increase in the unit amount is the GST component.
- (4) Although a licence fee in respect of a period after 30 June 2000 may have been paid, the additional amount of the GST component may be separately charged and is payable by the licensee within one month after the date the charge is made.
- (5) In this regulation, **GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

8 Prescribed manner for marking pipelines

For the purposes of sections 39(a), 64A and 66 of the Act, the position of a pipeline is to be marked by markers erected in accordance with AS 2885.1-1997.

9 Prescribed fees

The fee payable for the purposes of the Act in relation to a matter specified in Schedule 2 is the fee specified opposite the matter.

Part 3 Consents

Division 1 Consent to construction

10 Consent to construct required to construct pipeline

A pipeline licensee must not begin the construction of a pipeline under the licence unless the Minister has granted under this Division a consent to the construction.

Maximum penalty: If the offender is a natural person –
 200 penalty units.

 If the offender is a corporation –
 1 000 penalty units.

11 Matters to be agreed before pipeline licensee applies for consent to construct

A pipeline licensee may apply for a consent under this Division to construct a pipeline only if the licensee and Minister have agreed on:

- (a) the matters about the activities to which the application relates that are to be described in the pipeline management plan for the pipeline; and
- (b) the scope of the validation for the proposal to carry out those activities.

12 Application for consent to construct

- (1) An application for a consent under this Division to construct a pipeline is to be lodged in writing with the Minister.
- (2) An application may relate to all or some of the activities for designing and constructing the pipeline.
- (3) The application is to include the following information:
 - (a) the name of the applicant;
 - (b) an address of the applicant for communications on matters relating to the pipeline;
 - (c) a facsimile number, or electronic mail address, within Australia for the applicant.

- (4) The application is to be accompanied by:
 - (a) those parts of the pipeline management plan in force for the pipeline that provide for the activities to which the application relates; and
 - (b) a validation of the proposal to carry out those activities.

13 Deciding an application for consent to construct

- (1) Within 28 days after an application for a consent to construct a pipeline is lodged under regulation 12, the Minister must decide whether to grant the consent.
- (2) A decision by the Minister to grant or to refuse to grant a consent to construct is not invalid only because the Minister did not comply with subregulation (1) in relation to an application.
- (3) The Minister must grant a consent if there are reasonable grounds for believing that:
 - (a) a pipeline management plan in force for the pipeline provides for the activities to which the application relates; and
 - (b) a validation of the proposal to carry out those activities is in force.
- (4) The Minister may grant a consent to construct for all or some of the activities to which the application relates.
- (5) If the Minister decides to grant a consent, the Minister must, as soon as practicable, give the applicant the consent in writing.
- (6) If the Minister decides not to grant a consent for all or some of the activities to which an application relates, the Minister must, as soon as practicable, notify the applicant in writing:
 - (a) that the consent has not been granted for those activities; and
 - (b) the reasons for the decision.

14 Construction to comply with pipeline management plan

A pipeline licensee must not construct a pipeline under the licence unless:

- (a) a pipeline management plan, or a part of a pipeline management plan, in force for the pipeline provides for the construction; and

- (b) the pipeline is constructed in a way that is not contrary to that plan or part of a plan.

Maximum penalty: If the offender is a natural person –
200 penalty units.

 If the offender is a corporation –
1 000 penalty units.

15 Notice of route followed by pipeline

- (1) As soon as practicable after construction of a pipeline has been finished but within 3 months after a consent to operate is granted for the pipeline, the pipeline licensee must notify the Minister in writing of the exact route followed by the pipeline.

Maximum penalty: If the offender is a natural person –
20 penalty units.

 If the offender is a corporation – 100 penalty
units.

- (2) If a notice given by a licensee under subregulation (1) indicates that a part of the route of the pipeline to which the notice relates is located under seawater, the Minister must provide a copy of the relevant part of the notice to the Surveyor-General and to the Australian Hydrographic Office.

Division 2 Consent to operate

16 Consent to operate required to operate pipeline

A pipeline licensee must not operate a pipeline under the licence unless the Minister has granted a consent under this Division to operate the pipeline.

Maximum penalty: If the offender is a natural person –
200 penalty units.

 If the offender is a corporation –
1 000 penalty units.

17 Matters to be agreed before pipeline licensee applies for consent to operate

A pipeline licensee may apply for a consent under this Division to operate a pipeline only if the licensee and Minister have agreed on:

- (a) the matters about the operation of the pipeline that are to be described in the pipeline management plan for the pipeline; and
- (b) the scope of the validation for the proposal to operate the pipeline.

18 Application for consent to operate

- (1) An application for a consent under this Division to operate a pipeline is to be lodged in writing with the Minister.
- (2) The application is to include the following information:
 - (a) the name of the applicant;
 - (b) an address of the applicant for communications on matters relating to the pipeline;
 - (c) a facsimile number, or electronic mail address, within Australia for the applicant.
- (3) The application is to be accompanied by:
 - (a) those parts of the pipeline management plan in force for the pipeline that provide for the operation of the pipeline;
 - (b) a validation of the proposal to operate the pipeline; and
 - (c) if the Minister has, under section 38(2A) of the Act, required the licensee to take out and maintain a policy of insurance – information showing that the pipeline licensee is maintaining the insurance in accordance with the requirement.

19 Deciding an application for consent to operate

- (1) Within 7 days after an application for a consent under this Division to operate a pipeline is lodged, the Minister must decide whether to grant the consent.
- (2) A decision by the Minister to grant or to refuse to grant under this Division a consent to operate is not invalid only because the Minister did not comply with subregulation (1) in relation to an application.
- (3) The Minister must grant a consent under this Division if there are reasonable grounds for believing that:
 - (a) a pipeline management plan in force for the pipeline provides for the operation of the pipeline;

- (b) a validation of the proposal to operate the pipeline is in force; and
 - (c) if the Minister has, under section 38(2A) of the Act, required the licensee to take out and maintain a policy of insurance – the pipeline licensee is maintaining the insurance in accordance with the requirement.
- (4) If the Minister decides to grant a consent under this Division, the Minister must, as soon as practicable, give the applicant the consent in writing.
- (5) If the Minister decides not to grant the consent under this Division, the Minister must, as soon as practicable, tell the applicant, in writing:
- (a) that the consent has not been granted; and
 - (b) the reasons for the decision.

20 Operation must comply with pipeline management plan

- (1) A pipeline licensee must not operate a pipeline under the licence unless:
- (a) a pipeline management plan in force for the pipeline provides for the operation; and
 - (b) the pipeline is operated in a way that:
 - (i) is consistent with the purposes for which the pipeline was designed to be used; and
 - (ii) is not contrary to that plan.

Maximum penalty: If the offender is a natural person –
200 penalty units.

 If the offender is a corporation –
1 000 penalty units.

- (2) A pipeline licensee does not commit an offence against subregulation (1) if:
- (a) in an emergency in which there is a likelihood of loss or injury or for the purpose of maintaining the pipeline in good order or repair, the licensee:
 - (i) does an act to avoid the loss or injury or to maintain the pipeline in good order and repair; and

- (ii) as soon as practicable gives written notice to the Minister about the act done; or
- (b) the licensee does an act in compliance with a direction given under:
 - (i) the Act; or
 - (ii) regulations under the Act (including these Regulations).

21 Using pipeline to convey compositions of energy-producing hydro-carbons

A pipeline licensee must ensure that a composition of energy-producing hydro-carbons is not conveyed through a pipeline under the licence unless:

- (a) a pipeline management plan in force for the pipeline specifies:
 - (i) that the composition is to be conveyed through the pipeline; and
 - (ii) the safe operating limits for conveying that composition; and
- (b) the pipeline is operated within those safe operating limits.

Maximum penalty: If the offender is a natural person – 200 penalty units.

If the offender is a corporation –
1 000 penalty units.

Division 3 **Modifying or decommissioning pipeline**

22 Modifying or decommissioning pipeline

- (1) A pipeline licensee must not modify a pipeline under the licence unless:
 - (a) a pipeline management plan in force for the pipeline provides for the modification; and
 - (b) the modification is carried out in a way that:
 - (i) is consistent with the purposes for which the pipeline was designed to be used; and
 - (ii) is not contrary to that plan.

Maximum penalty: If the offender is a natural person –
200 penalty units.

If the offender is a corporation –
1 000 penalty units.

(2) A pipeline licensee must not decommission a pipeline under the licence unless:

- (a) a pipeline management plan in force for the pipeline provides for the decommission; and
- (b) the decommission is carried out in a way that is not contrary to that plan.

Maximum penalty: If the offender is a natural person –
200 penalty units.

If the offender is a corporation –
1 000 penalty units.

(3) However, it is not an offence under subregulations (1) and (2) if:

- (a) the pipeline is modified or decommissioned in accordance with a direction given under:
 - (i) the Act; or
 - (ii) regulations made under the Act (including these Regulations); or
- (b) in an emergency in which there is a likelihood of loss or injury, the licensee does an act to avoid the loss or injury and as soon as practicable gives written notice to the Minister about the act done.

Part 4 Pipeline management plans

Division 1 Acceptance of pipeline management plan

23 Submission of pipeline management plan

- (1) For a pipeline management plan to be accepted for a pipeline, the pipeline licensee must submit the plan to the Minister.
- (2) A pipeline management plan may be submitted for one or more of the following stages for the pipeline:
 - (a) design and construction;

- (b) operation;
 - (c) modification;
 - (d) decommissioning.
- (3) A pipeline management plan that provides for one or more pipelines may be submitted.

24 Time limit for accepting or not accepting pipeline management plan

- (1) Within 28 days after a pipeline licensee submits a pipeline management plan under regulation 23, the Minister must:
- (a) accept the plan under regulation 25;
 - (b) refuse to accept the plan; or
 - (c) give written notice to the pipeline licensee stating that the Minister is unable to make a decision about the plan within the period of 28 days and setting out a proposed timetable for consideration of the plan.
- (2) A decision by the Minister to accept, or refuse to accept, a pipeline management plan is not invalid only because the Minister did not comply with subregulation (1) in relation to the plan.
- (3) This regulation applies to a pipeline management plan resubmitted under regulation 25(2) in the same way as it applies to the plan when first submitted.

25 Acceptance of pipeline management plan

- (1) The Minister must accept the pipeline management plan if there are reasonable grounds for believing that:
- (a) the plan is appropriate for the nature and proposed use of the pipeline;
 - (b) the plan complies with regulations 27, 28, 29, 30 and 32 for the stages mentioned in regulation 23 for which the plan is submitted; and
 - (c) the plan, or a part of a pipeline management plan in force for the pipeline, complies with regulation 31.

- (2) If the Minister is not reasonably satisfied that the pipeline management plan when first submitted meets the criteria mentioned in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the plan.
- (3) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the pipeline management plan, the Minister is still not reasonably satisfied that the plan meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the plan.
- (4) Despite subregulation (3), the Minister may do either or both of the following:
 - (a) accept the plan in part for a particular stage mentioned in regulation 23 for the pipeline;
 - (b) impose limitations or conditions applying to any of those stages for the pipeline.
- (5) The Minister must give the pipeline licensee written notice of a decision by the Minister:
 - (a) to accept the pipeline management plan;
 - (b) not to accept the plan; or
 - (c) to accept the plan in part for a particular stage for the pipeline or subject to the imposition of limitations or conditions.
- (6) A notice of a decision under subregulation (5)(b) or (c) is to include:
 - (a) the decision and the reasons for it; and
 - (b) if limitations or conditions are to apply to a stage for the pipeline – those limitations or conditions.

Division 2 Contents of pipeline management plan

26 Contents of pipeline management plan

A pipeline management plan for a pipeline is to include the matters mentioned in this Division.

27 Description of safety policy

The pipeline management plan is to include a statement of the pipeline licensee's strategic health and safety objectives for the design, construction, operation, modification and decommission of the pipeline.

28 Description of pipeline

The pipeline management plan is to include a comprehensive description of:

- (a) the design for the pipeline, the route corridor in which the pipeline is to be constructed and the way in which the pipeline is to be constructed;
- (b) the matters agreed under regulation 11(a) relating to the design and construction of the pipeline;
- (c) the matters agreed under regulation 17(a) relating to the operation of the pipeline;
- (d) the compositions of energy-producing hydro-carbons that are to be conveyed through the pipeline when it is operating; and
- (e) the safe operating limits for conveying those mixtures through the pipeline.

29 Description of pipeline management system

The pipeline management plan is to include a comprehensive description of:

- (a) the risk of significant pipeline accident events and other risks to the integrity of the pipeline associated with the design, construction, modification and decommissioning of the pipeline;
- (b) measures that have been, or will be, implemented to reduce the risks to levels that are as low as reasonably practicable;
- (c) the systems used to identify, evaluate and manage the risks and measures; and
- (d) the arrangements for monitoring, auditing and reviewing those systems, including the arrangements for continual and systematic identification of deficiencies of those systems and ways in which the systems could be improved.

30 Description of standards

The pipeline management plan is to include a description of the Australian Standards and international standards applied, or that will be applied, for the design, construction, operation, modification and decommissioning of the pipeline.

31 Arrangements for documents

- (1) The pipeline management plan is to include arrangements for:
 - (a) recording and making available documents and other records specified in subregulation (2) for the pipeline; and
 - (b) securely storing those documents and records at the nominated address for the pipeline licensee and maintaining those documents and records:
 - (i) for the 5 year period from the making of the document or other record; and
 - (ii) in a way that makes retrieval of the document or other record reasonably practicable.
- (2) The documents or other records are the following:
 - (a) a pipeline management plan in force for the pipeline;
 - (b) revisions of the pipeline management plan;
 - (c) reports of reportable incidents made under regulation 43.
- (3) In this regulation, ***nominated address*** means the address of a pipeline licensee, notice of which has been given under regulation 49.

32 Arrangements for reporting

The pipeline management plan is to include arrangements for reporting to the Minister about the design, construction, operation, modification and decommissioning of the pipeline, at intervals agreed with the Minister, but at least once each year.

Division 3 Revision of pipeline management plan

33 Revision because of change, or proposed change, of circumstances or operations

- (1) Subject to subsection (2), a pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan as soon as practicable after any of the conditions mentioned in subregulation (3) is satisfied.

- (2) If a condition mentioned in subregulation (3) is satisfied because the licensee proposes to modify or decommission the pipeline, the licensee must not submit the proposed revision before the licensee and Minister have agreed on the scope of the validation for the proposal to revise the plan.
- (3) The conditions are the following:
- (a) there are reasonable grounds for believing that, because of developments in the technical knowledge used to formulate the plan, the plan no longer provides adequately for the matters referred to in Division 2 of Part 4;
 - (b) developments in systems for identifying and evaluating risks of significant pipeline accident events, or risks to the integrity of the pipeline, make it appropriate to revise the plan;
 - (c) there are reasonable grounds for believing that a series of proposed modifications to the pipeline would result in a significant cumulative change in the overall level of risk:
 - (i) of significant pipeline accident events; or
 - (ii) to the integrity of the pipeline;
 - (d) there are reasonable grounds for believing that a proposed modification to the pipeline would:
 - (i) significantly influence the level of a particular risk of a significant pipeline accident event or a risk to the integrity of the pipeline; or
 - (ii) significantly change the ranking of factors contributing to those risks;
 - (e) the licensee proposes to significantly change the pipeline management system referred to in regulation 29 for identifying, evaluating and managing risks:
 - (i) of significant pipeline accident events; or
 - (ii) to the integrity of the pipeline;
 - (f) the compositions of energy-producing hydro-carbons conveyed in the pipeline are different from the compositions contemplated in the plan;
 - (g) the licensee proposes to modify or decommission the pipeline and that proposal is not satisfactorily addressed in the plan.

34 Revision on request by Minister

- (1) The Minister may request a pipeline licensee for a pipeline for which a pipeline management plan is in force to submit to the Minister a proposed revision of the plan.
- (2) A request by the Minister is to be in writing and include the following information:
 - (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision;
 - (c) the grounds for the request.
- (3) The licensee may make a submission in writing to the Minister stating the licensee's reasons for any of the following matters:
 - (a) why the revision should not occur;
 - (b) why the revision should be in different terms from the proposed terms;
 - (c) why the revision should take effect on a date after the proposed date.
- (4) A submission by the licensee must be made within:
 - (a) 21 days after receiving the request; or
 - (b) within a longer period that the Minister allows in writing.
- (5) If a submission complies with subregulations (3) and (4), the Minister must:
 - (a) decide whether to accept the reasons stated in the submission;
 - (b) give the licensee written notice of the decision;
 - (c) to the extent (if any) that the Minister accepts the reasons, give the licensee written notice that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent (if any) that the Minister does not accept the reasons, give the licensee written notice of the grounds for not accepting them.
- (6) Subject to subsection (7), the licensee must comply with the request (as varied under this regulation) as soon as practicable.

- (7) The licensee is not required to comply with the request if the request is withdrawn under this regulation.

35 Revision at the end of each 5 year period

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan (whether or not a proposal has been submitted under regulation 33 or 34):
- (a) at the end of the 5 year period starting on the day the pipeline management plan is first accepted under regulation 25 by the Minister; and
 - (b) at the end of each 5 year period starting on the day of the most recent acceptance by the Minister of a revision submitted under this regulation.
- (2) A revision submitted under this regulation is to include:
- (a) measures for ensuring the ongoing integrity of the pipeline; and
 - (b) details of the maximum allowable operating pressure for the pipeline.

36 Form of proposed revision

A proposed revision is to be in the form of a revised pipeline management plan or, if the pipeline licensee and the Minister agree, a revised part of the pipeline management plan.

37 Time limit for accepting or not accepting proposed revision

- (1) Within 28 days after a pipeline licensee submits a proposed revision, the Minister must:
- (a) accept the revision under regulation 38;
 - (b) refuse to accept the revision; or
 - (c) give written notice to the pipeline licensee stating that the Minister is unable to make a decision about the revision within the period of 28 days and setting out a proposed timetable for consideration of the revision.
- (2) A decision by the Minister to accept, or refuse to accept, a proposed revision is not invalid only because the Minister did not comply with subregulation (1) in relation to the revision.

- (3) This regulation applies to a proposed revision resubmitted under regulation 38(2) in the same way as it applies to the revision when first submitted.

38 Acceptance of a proposed revision of a pipeline management plan

- (1) The Minister must accept the proposed revision if there are reasonable grounds for believing that:
- (a) the revision is appropriate for the nature and proposed use of the pipeline;
 - (b) the pipeline management plan, as revised by the proposed revision, would comply with regulations 27, 28, 29, 30 and 32 for the stages mentioned in regulation 23 for which the revision is submitted;
 - (c) the pipeline management plan, as revised by the proposed revision, would comply with regulation 31; and
 - (d) in the case that the revision relates to a proposal to modify or decommission the pipeline – a validation of the proposal is in force.
- (2) If the Minister is not reasonably satisfied that the proposed revision when first submitted meets the criteria set out in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the revision.
- (3) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the proposed revision, the Minister is still not reasonably satisfied that the revision meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the revision.
- (4) Despite subregulation (3), the Minister may do either or both of the following:
- (a) accept the revision in part for a particular stage mentioned in regulation 23 for the pipeline;
 - (b) impose limitations or conditions applying to any of those stages for the pipeline.
- (5) The Minister must give the pipeline licensee written notice of a decision by the Minister:
- (a) to accept the proposed revision;
 - (b) not to accept the revision; or

- (c) to accept the revision in part for a particular stage for the pipeline or subject to the imposition of limitations or conditions.
- (6) A notice of a decision under subregulation (5)(b) or (c) is to include:
 - (a) the decision and the reasons for it; and
 - (b) if limitations or conditions are to apply to a stage for the pipeline – those limitations or conditions.

39 Effect of non-acceptance of proposed revision

If a proposed revision is not accepted, the pipeline management plan in force for the pipeline immediately before the proposed revision was submitted remains in force, subject to the Act and these Regulations, as if the revision had not been proposed.

Division 4 Withdrawal of acceptance of pipeline management plan

40 Withdrawal of acceptance of pipeline management plan

- (1) The Minister, by written notice to a pipeline licensee, may withdraw the acceptance of the pipeline management plan in force for the pipeline on any of the following grounds:
 - (a) the pipeline licensee has not complied with the Act or a direction given to the licensee under section 40 of the Act;
 - (b) the pipeline licensee has not complied with regulation 14 or 20;
 - (c) the pipeline licensee has not complied with regulation 33, 34 or 35;
 - (d) the Minister has refused to accept a proposed revision of the pipeline management plan.
- (2) A notice under subregulation (1) is to include the reasons for the decision.

41 Steps to be taken before withdrawal of acceptance

- (1) Before withdrawing the acceptance of a pipeline management plan in force for a pipeline, the Minister must comply with subregulations (2), (4) and (5).
- (2) The Minister must give the pipeline licensee at least one month's written notice of the Minister's intention to withdraw acceptance of the plan.

- (3) The Minister may give a copy of the notice to any other persons that the Minister thinks fit.
- (4) The Minister must specify in the notice a date (***the cut-off date***) on or before which the pipeline licensee (or any other person to whom a copy of the notice has been given) may submit to the Minister in writing any matters for the Minister to take into account.
- (5) The Minister must take into account:
 - (a) any action taken by the pipeline licensee to remove the ground for withdrawal of acceptance or to prevent the recurrence of that ground; and
 - (b) any matter submitted to the Minister before the cut-off date by the pipeline licensee or a person to whom a copy of the notice has been given.

42 Withdrawal of acceptance not affected by other provisions

- (1) The Minister may withdraw the acceptance of a pipeline management plan in force for a pipeline on a ground referred to in regulation 40(1) even though the licensee has been found guilty of an offence because of a failure to comply with a provision of the Act or of these Regulations.
- (2) A pipeline licensee for a pipeline for which the acceptance of a pipeline management plan has been withdrawn by the Minister on a ground mentioned in regulation 40(1) may be found guilty of an offence because of a failure to comply with a provision of the Act or of these Regulations even though the acceptance of the plan has been withdrawn.

Part 5 Incidents, reports and records

43 Reportable incidents

- (1) A pipeline licensee must give notice of a reportable incident for a pipeline under the licence in accordance with this regulation.

Maximum penalty: If the offender is a natural person –
20 penalty units.

 If the offender is a natural person –
100 penalty units.

- (2) The pipeline licensee must give notice (either oral or written) of the incident, together with all material details of the incident that are reasonably available to the licensee, to the Minister or an inspector as soon as possible after the incident happens.
- (3) The pipeline licensee must give a written report of the incident to the Minister:
 - (a) if the Minister specifies a reasonable period for giving the report – within that period; or
 - (b) in any other case – as soon as practicable after the incident happens.
- (4) The report is to set out fully:
 - (a) all the material facts and circumstances of the incident that the licensee knows or is able, by reasonable search and inquiry, to find out, including the following:
 - (i) the date, time and place of the incident;
 - (ii) the particulars of any loss or damage caused by the incident;
 - (iii) if energy-producing hydro-carbons escaped from the pipeline or ignited – the amount of those energy-producing hydro-carbons and the measures taken to control the escape or fire;
 - (iv) the cause of the incident;
 - (v) the repairs (if any) carried out, or proposed to be carried out, for the pipeline; and
 - (b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind.

44 Dealing with documents

A pipeline licensee must not deal with a document or other record mentioned in regulation 31 in a way that is contrary to the arrangements for the document or record contained in the pipeline management plan in force for the pipeline.

Maximum penalty: If the offender is a natural person –
20 penalty units.

 If the offender is a corporation – 100 penalty
units.

- (2) In this regulation, **relevant legislation** means the Act, regulations (including these Regulations) made under the Act and any directions given to the licensee under the Act.

48 Involvement of workers in pipeline management plan

- (1) The Minister may ask a pipeline licensee in writing to provide the Minister with reasonable grounds for believing that:
 - (a) in the development or revision of a pipeline management plan for a pipeline under the licence, there has been effective consultation with, and participation of, the classes of persons who:
 - (i) are identifiable before the pipeline management plan is developed; and
 - (ii) are working on, or in connection with, the pipeline or are likely to be working on, or in connection with, the pipeline; and
 - (b) the pipeline management plan in force for the pipeline provides adequately for effective consultation with, and the effective participation of, those classes of persons so that they are able to arrive at informed opinions about the risks to which they may be exposed in relation to the pipeline.
- (2) A pipeline licensee must, within 21 days after receiving a request under subregulation (1), give the Minister written notice of those grounds.

Division 2 Providing information

49 Notice of contact details

The pipeline licensee must, at all times after the licensee applies under these Regulations for a consent to construct a pipeline under the licence, maintain as far as is reasonably practicable, and ensure that the Minister has notice of, an address of the licensee for communications on matters relating to the pipeline.

Maximum penalty: If the offender is a natural person – 20 penalty units.

If the offender is a corporation – 100 penalty units.

50 Minister may decline to consider application or submission if information is not given

- (1) Despite any other provision of these Regulations, if:
- (a) a pipeline licensee for a pipeline does not provide information under regulation 49; and
 - (b) the information has not been given under another law,
- the Minister may decline to consider an application or submission made by the licensee under these Regulations and relating to the pipeline until the information is given.
- (2) Despite any other provision of these Regulations, if:
- (a) a pipeline licensee does not provide the information required under regulation 12 or 18 for an application for a consent to construct or operate a pipeline; and
 - (b) the information has not been given under another law,
- the Minister may decline to consider the application until the information is given.

51 Service, delivery and lodgment of documents

For the purposes of these Regulations, unless the contrary intention appears, a notice or other document required or permitted to be given to a person is to be taken to be given:

- (a) if service is otherwise than by post on an individual – on the day on which the notice or other document is:
 - (i) delivered to the individual in person; or
 - (ii) delivered to the individual's address for service or last address known to the Minister;
- (b) if service is otherwise than by post on a body corporate – on the day on which the notice or other document is delivered to the registered office, or the address for service, of the body corporate; or
- (c) if service is by post on a person – on the day on which the notice or other document would ordinarily be delivered in the due course of post or, if the person establishes that it was delivered on a later day, on that later day.

Part 7 Repeal and transitional

52 Application of regulations to licences granted before commencement of these Regulations

- (1) If a pipeline licence that was granted before the commencement of these Regulations remains in force or is renewed, these Regulations (other than Parts 1 and 2) do not apply to the pipeline licensee in respect of a pipeline under the licence or renewed licence until 1 July 2006.
- (2) However:
 - (a) if the licensee applies before 1 July 2006 for a consent to construct a pipeline – regulations 11, 12 and 13 and Part 4 (except regulation 40(1)(b)) also apply to the licensee in respect of the pipeline;
 - (b) if the licensee applies before 1 July 2006 for a consent to operate the pipeline – regulations 17, 18 and 19 and Part 5 (except regulation 40(1)(b)) also apply to the licensee in respect of the pipeline; and
 - (c) if the Minister has accepted a pipeline management plan for the pipeline – Part 4 (except regulation 40(1)(b)) also applies to the licensee in respect of the pipeline.

53 Repeal

The Regulations specified in Schedule 3 are repealed.

Schedule 1

FORM 1

regulation 4

Energy Pipelines Act

INSTRUMENT OF TRANSFER OF LICENCE

TO THE MINISTER FOR MINES AND ENERGY, NORTHERN TERRITORY

.....(name of transferor), the holder of licence number
..... granted by the Minister on the day of
....., in consideration of

..... the receipt of which is acknowledged by this instrument, transfers

*Insert to *
name of
transferee

*Insert of *
address of
transferee

called ***the transferee***, all right, title and interest in the licence and the transferee by this instrument accepts the transfer, subject to the *Energy Pipelines Act* and the Regulations made under it, and agrees to be bound by the terms and conditions of the licence.

In witness of the above the parties to the transfer have executed this document this day of

.....
Witness

.....
Signature of
transferor

(If a corporation,
to be executed
under its common
seal.)

.....
Witness

.....
Signature of
transferee

I approve the above transfer.

Dated this day of 20...

.....
Minister for Mines and Energy

I have this day of, 20.., at the hour of o'clock in the
..... noon, registered the transferee as the holder of licence number

.....
Registrar

Schedule 2 Fees

regulation 9

| | Matter | Fee (revenue units) |
|----|--|------------------------------------|
| 1. | Application under section 5 of the Act for permit | 287 |
| 2. | Application under section 13 of the Act for licence | 1 150 |
| 3. | Application under section 16 of the Act for renewal | 115 |
| 4. | Application under section 20 of the Act for variation of licence | 115 |
| 5. | For the entry in the register of a memorandum of transfer under section 46(9) of the Act | 115 |
| 6. | For the entry in the register of a memorandum of approval under section 49(8) of the Act | 115 |
| 7. | On making an inspection under section 54(1) of the Act | \$5.75 |
| 8. | For a copy document or extract from the register under section 55(2) of the Act – per page | 11 |
| 9. | For a certificate under section 55(3) of the Act | 57 |

Schedule 3 Repealed Regulations

regulation 53

| | |
|---|--------------------------|
| Energy Pipelines Regulations | Regulations 1982, No. 49 |
| Amendment of Energy Pipelines Regulations | Regulations 1985, No. 37 |
| Amendment of Energy Pipelines Regulations | Regulations 1989, No. 2 |
| Amendment of Energy Pipelines Regulations | Regulations 2000, No. 37 |

ENDNOTES

1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Energy Pipelines Regulations (SL No. 43, 2001)

| | |
|-----------|----------------|
| Notified | 3 October 2001 |
| Commenced | 3 October 2001 |

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

| | |
|-----------|----------------------|
| Notified | 14 December 2009 |
| Commenced | 1 January 2010 (r 2) |

Penalties Amendment (Children and Families, Health and Primary Industry, Fisheries and Resources) Act 2011 (Act No. 28, 2011)

| | |
|-------------|---|
| Assent date | 31 August 2011 |
| Commenced | 21 September 2011 (Gaz G38, 21 September 2011, p 4) |

3 LIST OF AMENDMENTS

| | |
|------------|---------------------------|
| r 10 | amd Act No. 28, 2011, s 5 |
| rr 14 – 16 | amd Act No. 28, 2011, s 5 |
| rr 20 – 22 | amd Act No. 28, 2011, s 5 |
| rr 43 – 44 | amd Act No. 28, 2011, s 5 |
| r 46 | amd Act No. 28, 2011, s 5 |
| r 49 | amd Act No. 28, 2011, s 5 |
| sch 2 | amd No. 34, 2009, r 19 |