

Gas Supply (Safety and Network Management) Amendment Regulation 2025 [NSW]

Gas Supply (Safety and Network Management) Amendment Regulation 2025

under the

Gas Supply Act 1996

1 Name of regulation

This regulation is the *Gas Supply (Safety and Network Management) Amendment Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

Schedule 1 Amendment of Gas Supply (Safety and Network Management) Regulation 2022

[1] Section 6A

Insert before section 7—

6A Definition

In this part—

network operator means—

- (a) for a reticulator—an authorised reticulator, or
- (b) for a distributor—a licensed distributor.

[2] Sections 7(1) and 14(2), penalties

Omit “5,000 penalty units” wherever occurring. Insert instead “2,000 penalty units”.

[3] Section 7 Network operators to ensure safe gas supply

Omit section 7(2) and (3). Insert instead—

- (2) The Secretary may, by written notice to a network operator, specify codes, Australian Standards, guidelines or other requirements (**relevant standards**) an operator must comply with for the operator’s gas network.
- (3) The Secretary may, in a notice, specify that the operator must comply with provisions or parts of a relevant standard.
- (4) A network operator for a gas network must ensure the following are in accordance with the relevant standards—
 - (a) the design of the gas network,
 - (b) the construction of the gas network,
 - (c) the operation of the gas network,
 - (d) maintenance carried out on the gas network,
 - (e) the extension of the gas network.Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.

[4] Section 8 Network operator to nominate person-in-charge

Omit section 8(1), (3) and (5), penalties. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 250 penalty units, and
 - (ii) for a continuing offence—a further 25 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 50 penalty units, and
 - (ii) for a continuing offence—a further 5 penalty units for each day the offence continues.

[5] Section 8(2)

Insert “, including financial decisions,” after “decisions”.

[6] Sections 9 and 16(1), penalties

Omit the penalties. 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.

[7] Sections 10(2)–(4), 11(1) and (6)–(8), 30(4) and (5), 33(4) and (5) and 44(1)–(3), penalties

Omit “100 penalty units” wherever occurring. Insert instead “400 penalty units”.

[8] Section 12 Notification of venting or flaring gas

Omit section 12(1), penalty. Insert instead—

Maximum penalty—

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

[9] Section 12A

Insert after section 12—

12A Notification of change in operating pressure

- (1) This section applies if—
 - (a) the network operator’s gas network has operated at the same operating pressure for at least 6 months, and
 - (b) the network operator proposes to change the operating pressure for the gas network by 15% or more, and
 - (c) the network operator intends that, after the change, the gas network will operate at the same operating pressure for at least 14 days.
- Maximum penalty—
- (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (2) The network operator must give the Secretary written notice of the proposed change (a ***change notice***) at least 28 days before the date on which the operator proposes to implement the change in operating pressure.
 - (3) The change notice must explain why the network operator, based on a risk assessment, considers the integrity of the network will be maintained after the proposed change in operating pressure.
 - (4) In this section—

operating pressure means the operating pressure for a gas network set at the pressure control station for the network.

pressure control station has the same meaning as in AS/NZS 4645.1:2018, *Gas distribution networks Part 1: Network management*, as in force from time to time.

[10] Part 3, Division 1

Insert before section 14—

Division 1 Requirements for network operators

[11] Section 13A

Insert before section 14—

13A Definition

In this division—

network operator means—

- (a) for a reticulator—an authorised reticulator, or
- (b) for a distributor—a licensed distributor.

[12] Sections 15(1) and 17(1), penalties

Omit “2,500 penalty units” wherever occurring. Insert instead “1,000 penalty units”.

[13] Section 17 Network operators to review safety and operating plans

Omit section 17(1)(b). Insert instead—

- (b) either—
 - (i) at least once every 2 years from the date of lodgement of the safety and operating plan under section 16, or
 - (ii) if the Secretary has approved, in writing, the network operator reviewing the plan less frequently—at the times approved by the Secretary.

[14] Section 17(2)(d)

Omit “risks.” from section 17(2)(c)(ii). Insert instead—

- risks,
- (d) the lodgement of a suspension plan under Part 3A.

[15] Section 17(3)

Insert after section 17(2)—

- (3) A significant change in relation to the operation or maintenance of the gas network does not include the amendment of a suspension plan lodged under Part 3A.

[16] Section 18

Omit section 18. Insert instead—

18 Auditor for safety and operating plans

- (1) A network operator must, by written notice to the Secretary, appoint a person as the auditor for the operator’s safety and operating plan at least 28 days

before the person is first required to give the Secretary a certificate under section 19(1).

Maximum penalty—

- (a) for a corporation—
 - (i) 250 penalty units, and
 - (ii) for a continuing offence—a further 25 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 50 penalty units, and
 - (ii) for a continuing offence—a further 5 penalty units for each day the offence continues.
- (2) A person must not be appointed as auditor unless the person is—
- (a) independent of the network operator, and
 - (b) competent to exercise the functions of an auditor.
- (3) If, in the Secretary's opinion, the appointment is not acceptable, the Secretary may reject the appointment by written notice to the network operator.
- (4) The Secretary may, at any time by written notice to the network operator, require the operator to terminate the appointment of the auditor.
- (5) The Secretary, in a notice given under subsection (3) or (4)—
- (a) must give reasons for the rejection or termination of the appointment, and
 - (b) may require the network operator to appoint a specified person as the auditor.
- (6) A network operator must, within 14 days after receiving a notice under subsection (3) or (4)—
- (a) if the Secretary has required the appointment of a specified person to be appointed as the auditor—appoint the specified person as the auditor, or
 - (b) otherwise—appoint another person as the auditor.

Maximum penalty—

- (a) for a corporation—
 - (i) 250 penalty units, and
 - (ii) for a continuing offence—a further 25 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 50 penalty units, and
 - (ii) for a continuing offence—a further 5 penalty units for each day the offence continues.
- (7) If the office of the appointed auditor becomes vacant for a reason other than under subsections (3) or (4), the network operator must appoint another person as the auditor within 14 days of the vacancy.

Maximum penalty—

- (a) for a corporation—
 - (i) 250 penalty units, and
 - (ii) for a continuing offence—a further 25 penalty units for each day the offence continues, or

- (b) for an individual—
 - (i) 50 penalty units, and
 - (ii) for a continuing offence—a further 5 penalty units for each day the offence continues.

[17] Section 19 Initial audit of safety and operating plans

Omit “A safety and operating plan must, when lodged with the Secretary under section 16, be” from section 19(1).

Insert instead “A network operator must ensure a safety and operating plan lodged under section 16 is”.

[18] Sections 19(1), 20(1) and 21(2)(b)

Omit “a nominated auditor” wherever occurring. Insert instead “an appointed auditor”.

[19] Section 19(1)(b)

Omit “section 26”. Insert instead “section 25”.

[20] Section 19(1), penalty

Insert at the end of the subsection—

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.

[21] Sections 19(2)(a) and 20(3)

Omit “nominated auditor”. Insert instead “appointed auditor”.

[22] Section 20 Periodical audits of safety and operating plans

Omit “, each year,” from section 20(1).

Insert instead “, at the times required by subsection (2),”.

[23] Section 20(1), penalty

Omit the penalty. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 400 penalty units, and
 - (ii) for a continuing offence—a further 40 penalty units for each day the offence continues.

[24] Section 20(2)

Omit “lodged within 28 days after the anniversary of the date on which the safety and operating plan was lodged under section 16.”.

Insert instead—

lodged—

- (a) within 28 days after each anniversary of the date on which the safety and operating plan was lodged under section 16, or
- (b) if the Secretary has approved, in writing, the network operator lodging reports less frequently—at the times approved by the Secretary.

[25] Section 21 Additional audits may be required

Omit section 21(3). Insert instead—

- (3) The Secretary may require that a specified person be appointed as the auditor for a further audit, rather than the appointed auditor.

[26] Section 21(5), penalty

Omit the penalty. Insert instead—

Maximum penalty for subsection (5)—

- (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.

[27] Sections 22(1) and (2), 29(2), 31(1) and (3)–(7), penalties

Omit the penalties. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 400 penalty units, and
 - (ii) for a continuing offence—a further 40 penalty units for each day the offence continues.

[28] Section 23 Secretary may direct amendment of safety and operating plans

Omit section 23(2), penalty. Insert instead—

Maximum penalty for subsection (2)—

- (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.

[29] Section 24 Secretary may direct compliance with safety and operating plans

Insert after section 24(2)—

- (2A) A direction made under this section must specify the time within which the action must be taken.

[30] Section 24(3)

Omit “, as soon as practicable,” from section 24(3).

[31] Section 24(3), penalty

Omit the penalty. Insert instead—

Maximum penalty for subsection (3)—

- (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.

[32] Section 25

Omit section 25. Insert instead—

25 Exemptions

- (1) The Secretary may, by written notice, exempt a network operator from a requirement relating to the content of a safety and operating plan if, in the Secretary’s opinion, the requirement is inappropriate having regard to the size or complexity of the network operator’s gas network.
- (2) An exemption may be given unconditionally or subject to conditions.
- (3) The Secretary may, by further written notice, vary or revoke an exemption.

[33] Part 3, Division 2

Omit section 26. Insert instead—

Division 2 Requirements for prospective network operators

26 Application of division

- (1) This division applies to a person who proposes to construct a new gas network (a *prospective network operator*).
- (2) This division does not affect the requirement under section 16 for a network operator to lodge a safety and operating plan with the Secretary.

26A Planning requirements relating to new gas networks

- (1) A prospective network operator must, at least 3 months before the proposed starting date for the construction of a gas network (a ***proposed gas network***), lodge with the Secretary a draft safety and operating plan for the proposed gas network.
Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.
- (2) A prospective network operator must not, except in accordance with a draft safety and operating plan—
 - (a) construct the proposed gas network, or
 - (b) alter the proposed gas network, or
 - (c) carry out maintenance on or repair the proposed gas network, or
 - (d) extend the proposed gas network.Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.
- (3) The Secretary has the same powers under this division in relation to a draft safety and operating plan as the Secretary has in relation to a safety and operating plan.
- (4) For subsection (3), references in Division 1—
 - (a) to a network operator include a prospective network operator, and
 - (b) to a gas network include a proposed gas network, and
 - (c) to a safety and operating plan include a draft safety and operating plan.
- (5) If the Secretary makes a direction under section 23 requiring a prospective network operator to amend a draft safety and operating plan, the Secretary may also direct that work referred to in subsection (2)(a)–(d) not commence until the prospective network operator complies with the requirement to amend the plan.
- (6) A prospective network operator must comply with a direction made under subsection (5).
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.
- (7) In this section—
draft safety and operating plan means a plan that complies with the requirements of Division 1 but has not been audited in accordance with sections 19–21.

26B Additional requirements for prospective network operators

- (1) The Secretary may, by written notice to a prospective network operator, specify codes, Australian Standards, guidelines or other requirements (**relevant standards**) a prospective operator must comply with for the operator's gas network.
- (2) The Secretary may, in a notice, specify that the operator must comply with provisions or parts of a relevant standard.
- (3) A prospective network operator must ensure the design and construction of a proposed gas network are in accordance with the relevant standards.
Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.
- (4) A prospective network operator must nominate a contact person for the proposed gas network at the following times—
 - (a) when lodging a draft safety and operating plan under section 26A,
 - (b) if the person nominated under paragraph (a) ceases to be the contact person—within 7 days after the person ceases to be the contact person.
Maximum penalty—
 - (a) for a corporation—
 - (i) 250 penalty units, and
 - (ii) for a continuing offence—a further 25 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 50 penalty units, and
 - (ii) for a continuing offence—a further 5 penalty units for each day the offence continues.
- (5) A nomination of a contact person under this section must include the full name and contact details of the person, including a telephone number on which the person may be contacted outside ordinary working hours.

[34] Part 3A

Insert after Part 3—

Part 3A Suspension and abandonment planning—the Act, s 83(2)(n) and (o)

Division 1 Preliminary

26C Application of part

- (1) This part applies to the suspension or abandonment of a gas network if the network proposed to be suspended or abandoned is downstream of—
 - (a) a district regulator, or
 - (b) a mainline isolation valve.
- (2) This part applies to the suspension or abandonment of part of a gas network in the same way it applies to the suspension or abandonment of an entire gas network.

26D Definitions

In this part—

abandon, in relation to a gas network, means to—

- (a) cease network operations with the intention that the network will not be used again, or
- (b) physically disconnect the network from another operating gas network to prevent the flow of gas between the disconnected network and the other gas network with the intention that the disconnected network will not be used again.

approved plan means—

- (a) a suspension plan or abandonment plan that is—
 - (i) approved by the Secretary under section 26G(4)(a), and
 - (ii) valid under section 26G(8), or
- (b) if a plan referred to in paragraph (a) is amended in accordance with section 26I—the plan as amended from time to time.

network operator means—

- (a) for a reticulator—an authorised reticulator, or
- (b) for a distributor—a licensed distributor.

process monitoring activities means monitoring of a gas network's pressure, gas quality and temperature.

suspend, in relation to a gas network, means to interrupt the network's operations if the network operator, during the interruption, maintains process monitoring activities and network safety activities for the network.

Division 2 Authorisation and licence requirements

26E Requirement to operate gas network continuously

- (1) A network operator must continuously operate the gas network specified in the operator's authorisation or licence.
Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.
- (2) A network operator does not commit an offence under subsection (1) if—
 - (a) the network operator acts in accordance with—
 - (i) an approved plan, or
 - (ii) a direction given under the Act, this regulation or another law, or
 - (b) for the suspension of a gas network, the network operator—
 - (i) suspends the network in the ordinary course of operating the network in accordance with the safety and operating plan lodged under Part 3, or
 - (ii) the network operator interrupts the supply of gas to a customer under the Act, section 53.

26F Cancellation of authorisations and licences

- (1) If a network operator requests under the Act to cancel the operator's licence or authorisation, the Minister may, by written notice to the operator, defer the Minister's decision regarding whether to cancel the licence or authorisation.

- (2) The Minister may defer making a decision regarding a request until the network operator—
 - (a) gives the Minister an abandonment plan approved under this part, and
 - (b) implements the plan to the Minister's satisfaction.

Note— The Act, sections 10 and 39 provide that an authorisation or licence remains in force until it is cancelled.

Division 3 Plan requirements

26G Lodgement and approval of plans

- (1) A network operator must prepare and lodge the following with the Secretary for approval—
 - (a) if the operator proposes to suspend the operator's gas network—a suspension plan,
 - (b) if the operator proposes to abandon the operator's gas network—an abandonment plan.Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—2,000 penalty units.
- (2) Despite subsection (1), the network operator is not required to lodge a suspension plan if—
 - (a) the proposed suspension of the gas network is to occur as part of the abandonment of the network, and
 - (b) an abandonment plan is lodged in accordance with this section.
- (3) A plan must be lodged—
 - (a) for a suspension plan—at least 3 months before the proposed suspension, or
 - (b) for an abandonment plan—at least 6 months before the proposed abandonment.
- (4) After receiving a plan under this section, the Secretary may, by written notice to the network operator—
 - (a) approve the plan as lodged, or
 - (b) require the network operator to—
 - (i) amend the plan and lodge the amended plan for approval under subsection (1), or
 - (ii) if the operator lodges a suspension plan and, in the Secretary's opinion, an abandonment plan is required—lodge an abandonment plan under subsection (1), or
 - (iii) if the operator lodges an abandonment plan and, in the Secretary's opinion, a suspension plan is required—lodge a suspension plan under subsection (1).
- (5) The Secretary may, under subsection (4)(b), require an abandonment plan to provide for the removal of parts of the gas network or the leaving of parts of the gas network in place.
- (6) The Secretary, may, by written notice, require a network operator to give the Secretary information or evidence the Secretary considers necessary to decide whether to approve a plan.

- (7) The notice must specify a reasonable time within which the information or evidence must be given to the Secretary.
- (8) The Secretary's approval of a plan under this section is valid—
 - (a) if notice of the approval under subsection (4)(a) specifies a period for which the approval is valid—the specified period, or
 - (b) otherwise—indefinitely.

26H Content and form of suspension and abandonment plans

- (1) A suspension plan must—
 - (a) identify the gas network, or part of the gas network, to be suspended, and
 - (b) specify—
 - (i) the intended duration of the proposed suspension, and
 - (ii) the protocols, consistent with AS 2885.3, to be followed when suspending or resuming the operation of the gas network, and
 - (c) describe the methods by which the gas network will be preserved during the suspension, including in relation to maintaining pressure in gas works, and
 - (d) include an assessment of the risks associated with the suspension, including in relation to corrosion and gas leaks, and—
 - (i) describe how the risks will be avoided, or
 - (ii) if the risks cannot be avoided—describe how the risks will be mitigated, and
 - (e) if part of the network is to be suspended—describe how the flow of gas between the suspended part and the remainder of the network will be prevented.
- (2) An abandonment plan must—
 - (a) identify the gas network, or part of the gas network, to be abandoned, and
 - (b) include detail of the removal of property and fixtures ancillary to the gas network, and
 - (c) if gas works are to be left in place, include—
 - (i) information about consultation with landholders about the proposed abandonment, and
 - (ii) an explanation of why, in the network operator's opinion, the works can be safely left in place, and
 - (d) include proof the network operator is insured for loss or damage arising from—
 - (i) the removal of all or part of the network, and
 - (ii) if all or part of the network is to be left in place—the leaving of all or part of the network in place, and
 - (e) include plans for remediation of the site of the gas network being abandoned, including details of how contamination will be remediated.
- (3) A plan must—
 - (a) be written, but may include diagrams, and
 - (b) be prepared in accordance with the Suspension or Abandonment of Gas Networks Guidelines, published by the Department on [XX Date], and

- (c) be approved by the person-in-charge for the relevant gas network.
- (4) In this section—
AS 2885.3 means Australian Standard AS 2885.3:2022, *Pipelines—Gas and liquid petroleum, Part 3: Operation and maintenance*, as in force from time to time.

26I Amendment of approved plans

- (1) The Minister or Secretary may, by written notice, direct a network operator—
 - (a) to amend an approved plan in the way and within the period of time specified in the notice, or
 - (b) to not implement a specified provision of an approved plan.
 - (2) Without limiting subsection (1), a direction may be given if, in the Minister's or Secretary's opinion, the implementation of an approved plan may cause, or has caused, a hazardous event.
 - (3) A network operator may propose to amend an approved plan by giving the Secretary—
 - (a) a revised plan containing the proposed amendment, and
 - (b) an explanation of the reasons for, and intended effects of, the amendment.
 - (4) If an amendment of an approved plan is proposed by a network operator, the Secretary may, by written notice—
 - (a) approve the amendment, or
 - (b) refuse to approve the amendment.
 - (5) A network operator must not propose an amendment to the period of validity specified in the operator's approval under section 26G(8).
 - (6) A network operator must—
 - (a) comply with a direction given under subsection (1), and
 - (b) for a direction under subsection (1)(a)—give a copy of the amended plan to the Secretary within 7 days after complying with the direction.
- 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.

26J Availability of approved plans and amendments

- (1) A network operator must—
 - (a) keep approved plans at the operator's principal office, and
 - (b) if an approved plan has been amended in accordance with section 26I—keep, in accordance with paragraph (a)—
 - (i) the plan as initially approved by the Secretary, and
 - (ii) each amendment, and

- (iii) for an amendment proposed by the network operator—the explanation referred to in section 26I(3)(b), and
 - (c) make copies of the documents and information referred to in paragraph (a) or (b) available, on request, to—
 - (i) the Secretary, and
 - (ii) persons likely to be involved in the implementation of the plan, and
 - (d) permit, on request, public inspection of the documents and information referred to in paragraph (a) or (b).
- Maximum penalty—
- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
 - (b) for an individual—
 - (i) 400 penalty units, and
 - (ii) for a continuing offence—a further 40 penalty units for each day the offence continues.
- (2) A network operator is taken to have complied with subsection (1) if the documents and information referred to in subsection (1)(a) and (b) are available on the operator's website.

Division 4 Implementation of approved plans

26K Network operator must implement approved plan

A network operator must, unless otherwise directed under this part, implement an approved plan for the operator's gas network.

Maximum penalty—

- (a) for a corporation—10,000 penalty units, or
- (b) for an individual—2,000 penalty units.

26L Minister or Secretary may direct compliance with approved plan

- (1) The Minister or Secretary may direct a network operator to take specified action to comply with an approved plan.
- (2) The Minister or Secretary may only give a direction under subsection (1) if the Minister or Secretary is of the opinion the network operator is not—
 - (a) complying with the requirements of an approved plan, or
 - (b) following procedures set out in the plan.
- (3) The direction must be in writing and specify—
 - (a) the action to be taken, and
 - (b) the time within which the action must be taken.
- (4) A network operator must comply with a direction given to the operator under this section.

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) In this section—
requirements, of an approved plan, includes a requirement of a code, standard or specification set out or referred to in the plan.

[35] Section 28 Natural gas in pipelines to comply with standards

Omit section 28(1)–(3), penalties. 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.

[36] Section 29 Exception from natural gas standards in special cases

Omit “point of injection” from section 29(2). Insert instead “injection point”.

[37] Sections 32(1)–(4) and 35, penalties

Omit the penalties. Insert instead—

Maximum penalty—

- (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 1,000 penalty units, and
 - (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

[38] Section 34 Secretary may issue directions and take other measures about non-compliant natural gas

Omit section 34(4), penalty. Insert instead—

Maximum penalty for subsection (4)—

- (a) for a corporation—
 - (i) 5,000 penalty units, and
 - (ii) for a continuing offence—a further 500 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 1,000 penalty units, and

- (ii) for a continuing offence—a further 100 penalty units for each day the offence continues.

[39] Section 35A

Insert after section 35—

35A Notice of intention to install injection point—the Act, ss 76B(1) and 83(2)(f)

- (1) A reticulator must give notice to the Secretary of the reticulator's intention to install an injection point at least 28 days before the proposed installation.
Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.
- (2) In giving notice under subsection (1), a reticulator must comply with the Injection Point Guidelines, published by the Department on [XX Date].
- (3) The Secretary may, by written notice—
 - (a) require a reticulator to give the Secretary further information about a notice given under subsection (1), and
 - (b) direct that the proposed injection point not be installed until the reticulator complies with a requirement imposed under paragraph (a).
- (4) A reticulator must comply with a requirement or direction imposed under subsection (3).
Maximum penalty—
 - (a) for a corporation—5,000 penalty units, or
 - (b) for an individual—1,000 penalty units.

[40] Section 36 Exemptions

Omit section 36(4), penalty. Insert instead—

Maximum penalty for subsection (4)—

- (a) for a corporation—
 - (i) 2,000 penalty units, and
 - (ii) for a continuing offence—a further 200 penalty units for each day the offence continues, or
- (b) for an individual—
 - (i) 400 penalty units, and
 - (ii) for a continuing offence—a further 40 penalty units for each day the offence continues.

[41] Section 44A

Insert after section 44—

44A Penalty notices

- (1) For the Act, section 85(2)—
 - (a) each offence created by a provision specified in Schedule 2, Column 1 is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified in Column 2 or 3.

- (2) If the provision is qualified by words that restrict the operation of the provision to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
- (a) the limited kind of offence, or
 - (b) an offence committed in the limited circumstances.

[42] Schedule 1 Safety and operating plans

Insert “, including each injection point,” after “gas works” wherever occurring in clause 2(b) and (c).

[43] Schedule 2

Insert after Schedule 1—

Schedule 2 Penalty notice offences

section 44A

Column 1	Column 2	Column 3
Provision	Penalty for corporation	Penalty for individual
Offences under the Act		
Section 64C(1)	\$22,000	\$4,400
Section 64C(3)	\$22,000	\$4,400
Section 64D(1)	\$55,000	\$11,000
Section 67	\$55,000	\$11,000
Section 68	\$55,000	\$11,000
Section 69	\$55,000	\$11,000
Section 70	\$55,000	\$11,000
Section 71	\$55,000	\$11,000
Offences under this regulation		
Section 7(1)	\$110,000	\$22,000
Section 7(2)	\$110,000	\$22,000
Section 20(1)	\$22,000	\$4,400
Section 28(1)	\$110,000	\$22,000
Section 28(2)	\$110,000	\$22,000
Section 28(3)	\$110,000	\$22,000
Section 44(1)	\$22,000	\$4,400
Section 44(2)	\$22,000	\$4,400
Section 44(3)	\$22,000	\$4,400

[44] Dictionary

Omit the definition of *nominated auditor*. Insert in alphabetical order—
abandon, for Part 3A—see section 26D.

appointed auditor, in relation to a network operator's safety and operating plan, means the person who is, for the time being, appointed under section 18 as the auditor in relation to the plan.

approved plan, for Part 3A—see section 26D.

injection point means a point on a gas network at which gas is injected to the network by a network operator.

network operator—

- (a) for Part 2—see section 6A, or
- (b) for Part 3, Division 1—see section 13A, or
- (c) for Part 3A—see section 26D.

person-in-charge, for a gas network, means the person nominated by the network operator under section 8(1).

process monitoring activities, for Part 3A—see section 26D.

proposed gas network, for Part 3, Division 2—see section 26A(1).

prospective network operator, for Part 3, Division 2—see section 26(1).

suspend, for Part 3A—see section 26D.