

HOUSE OF ASSEMBLY

THURSDAY 04TH JUNE 2015

NATURAL GAS AUTHORITY (NOTICE OF WORKS) AMENDMENT BILL

Mr PEDERICK (Hammond) (15:58): I rise to speak to the Natural Gas Authority (Notice of Works) Amendment Bill 2015. Essentially this bill is about making sure that we have safe and sure access to gas, and the member for Stuart reflected on the recent breakdown of the line in the Mid North which caused significant disruption to both Port Pirie industry and homes and Whyalla. It is interesting to note what we are dealing with here when the owner of a property has to give notice to the owner of the pipe. Quoting from the bill, prescribed works means:

(a) excavating, drilling, installing or erecting any pit, well, foundation, pavement or other structure; or

(b) disturbing or altering the grades and contours of the servient land

I might be assuming too much, but I assume that means cultivation; however, the minister might be able to clear that up. I would expect that with a gas pipe—and I do not have gas pipes traversing my property, but I do have several telecommunications lines, a couple of fibre-optic cables and that kind of thing traversing my property, or they are just inside a fence on my property at Coomandook. I assume that you have to give a clearance anyway with any surface tillage next to a buried pipeline, but I will be interested in the minister's response to that. Also:

(c) Planting of trees or shrubs; or

(d) storing plant, machinery, equipment or materials; or

(e) using explosives.

That is fairly obvious, to say the least. Certainly in regard to the legislation—I think this was where the member for Stuart was heading—in relation to statutory easement, '4—Amendment of section 11—Rights conferred by statutory easement' has to do with the owner of the pipeline. One of the amendments involves the words:

, and to carry out work on outlying land related to the installation, maintenance, repair or replacement of a pipeline across the servient land

Then we come to:

Section 11—after subsection (1) insert:

1(a) Any associated equipment installed on or under the servient or outlying land for the purposes of this section remains the property of the owner of the pipeline.

There is certainly a broad definition of associated equipment on top of the equipment that is already listed in the act. It adds telecommunications equipment. Obviously an Optus line or a Telstra optic fibre line technically would not be the owner of the pipeline. It would not own that line, but I would like that clarified by the minister, and also whether there is some sort of sub-leasing arrangement if it is on the same easement as the gas pipe.

In relation to cultivation, as I said, I do not have a gas line going across my property, but we can cultivate across where the telecommunication lines are because they are buried about a metre deep. Certainly the last guys that came through used a very good machine that basically ate rocks and spat them out in a thousand pieces. So they did a good job with anything they ripped up and the cleaning up.

It is great that there are a lot of conversations in this place and the other place about access to land, and it involves miners, and also access to land in regard to telecommunications, whether it is main trunk lines for water or other activities. In the main, personally, we have had very good conversations with people involved in that work because obviously we are on the main route between Adelaide and Melbourne and they need to have that access.

With respect to the owner of the land, they have to give notice of prescribed works on the land subject to statutory easement:

(1) An owner or occupier of servient land must not carry out or permit the carrying out of prescribed works on or under the servient land without the prior written consent of the owner of the pipeline on the land.

There is a maximum penalty of \$60,000. There is a whole range of clauses involving the owner or occupier having to give at least 21 days' notice and the owner of the pipeline having to give notice in writing to the owner or occupier of servient land within 14 days after receiving that notice. One thing I am intrigued about is if the owner of the pipeline has to do work on the easement, but on the property owner's land, does he need to get permission from the property owner? What are the rules around that situation?

I would be interested to hear what because there is a lot of information that, in my mind, refers to the owner of the property getting permission from the owner of the pipeline so that the owner of the property can do works, which can be, as I said, as simple as planting trees or shrubs. Certainly, many farmers do that along fence lines and that is pretty well

where an easement could be. So, I would like to have that clarified. Also, and it is probably covered under another act but whether the sea gas pipeline which comes up through our area from Victoria and the South-East is covered under this legislation. It is not printed in the explanatory documents. It talks about all the Katnook lines around Penola and then it is all about the main trunk lines out of Moomba.

There is no doubt of how careful you have to be with gas. I know the member for Chaffey has worked in the Cooper Basin, as have I. One of my first jobs up there when I was earthmoving back in 1982 was to dig some rubbish pits close to the main camp and close to the main Moomba plant with all those gas trains running and associated works. We made sure we had plenty of safety officials and plenty of people on hand because when you have a 70-tonne scraper and you are digging a rubbish pit, the last thing you need to do is scrape the edge of a gas pipe and get blown to wherever. So, you sort of had your heart in your mouth a bit. You had to trust the people and that the maps with the underground pipes, of which there were dozens and dozens of those in the area, were in the right place so that we could dig in the appropriate area.

There have been some horrific breakdowns of gas pipes. Thankfully, they are very rare events, especially the big dramatic ones. There was one on the Sydney pipeline (I think that was during the eighties) and it caused quite a problem, obviously, for gas supplies to the East Coast of the country. What I am saying is this seems like very sensible legislation but I am just wondering, in the main, what rights the actual owner of the land has in relation to the owner of the gas pipe or their associated contractors coming onto the owner's land, the freehold land, to do works. Yes, it is authorised under a statutory easement but I think there has to be each way communication.

As I said, I had easements put through our property and we know where they are and we had great communication from the companies. It is a lesson that a lot of companies could learn, and some do it far better than others, whether it is related to access to telecommunication lines, water pipes, gas lines, or whether it is access for mining arrangements. If people approach it the right way and everyone sits down sensibly and negotiates an outcome then, at the end of the day, that is the best way to do it. It does not cause bad blood or an outbreak of hate from the people whose properties are being accessed. With those few words, I commend the bill. I will be interested to hear the minister's clarification of some of the things I have spoken about. I commend the bill to the house.