

10 September, 2024

Submitted by email

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NSW pipelines and gas supply legislation amendments consultation

The Justice and Equity Centre (JEC) is a leading, independent law and policy centre. Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity and limit disadvantage and support communities to play a meaningful role in decision-making.

The Justice and Equity Centre (JEC – formerly PIAC) welcome this opportunity to respond to the NSW pipelines and gas supply legislation amendments consultation paper (the Paper). In particular, we support measures to provide for more robust and detailed regulations regarding the suspension, decommissioning and abandonment of gas pipelines and gas supply.

The JEC recommend this process be used to put in place the powers required to regulate the safe, efficient, managed retreat and decommissioning of NSW gas pipeline networks, particularly those servicing NSW households.

In this submission we respond specifically to questions 20 of the Paper, and focus on measures to ensure regulations regarding the suspension and decommissioning of gas pipelines and supply, protects and promotes the interests of NSW households.

Question 20. Do you have any concerns or foresee any issues with the proposed regulation making power for pipelines and gas network decommissioning and abandonment requirements? If yes, why?

We support amendments to confer regulation making powers in relation to the decommissioning and abandonment of gas pipelines and supply.

While it is appropriate for the regulations themselves to set out the necessary detail (subject to further consultation), we recommend legislation include some further amendments to set out the purpose and scope of the powers, including matters which must be included in the regulations:

We recommend considering including the following requirements in legislation to provide clarity as to the scope and purpose of regulatory powers:

- Minimum time requirements – covering how far in advance of execution plans must be submitted.
- Minimum safety requirements. – covering how risks to the community and consumers will be managed.
- Minimum consumer protections –covering obligations to inform consumers and enable disconnection and conversion of connections as part of plans.
- Minimum environmental and rehabilitation requirements and criteria to be considered.
- Criteria to be considered by operators in planning the decommissioning and abandonment of parts of the gas network, and how any residual costs are to be managed.

We welcome the opportunity to meet with the Department and other stakeholders to discuss these issues in more depth and consider other aspects of regulation related to enabling the planning of safe and efficient decommissioning and abandonment of gas pipelines.

Please contact Douglas McCloskey at dmccloskey@jec.org.au regarding any further opportunities for input.