

Draft Land Use Planning and Approvals Amendment Bill 2022

Part 2 – Updating references to current legislation

Issue

The *Gas Pipeline Act 2000* has been repealed and replaced with the *Gas Industry Act 2019*.

The *Gas Industry Bill 2018* repealed the *Gas Pipelines Act 2000* when it passed the upper house in 2019 and then was finally repealed on 3 February 2021, after the major projects assessment process came into effect.

The major projects process is now not up to date with its references to current legislation in relation to gas pipeline safety, as the *Gas Industry Bill 2018* did not make any consequential changes to the major projects process.

Discussion

The *Gas Industry Bill 2018* and the *Gas Safety Bill 2018* were introduced as a package following a review of the *Gas Pipelines Act 2000* and the *Gas Act 2000*.

Under the former *Gas Pipelines Act 2000* division 4 established the provisions for how pipeline licensees interacted with the planning system and the issuing of planning permits. Where a pipeline licensee gives advice concerning the safety of a pipeline, the planning authority must not grant a permit with any conditions that conflict with the safety condition advice of the pipeline licensee. The major projects process specifically refers to s70D of the *Gas Pipelines Act 2000*.

The relevant sections of the former *Gas Pipelines Act 2000* which were set out in Part 3 Division 4 of that act are now contained in Part 4 Division 2 of the *Gas Industry Act 2019* (sections 49-53).

What can be done?

Amend the legislation references in the *Land Use Planning and Approvals Act 1993* to reflect up to date legislation.

What is proposed?

Take action based on the following recommendations:

1. Amend the *Land Use Planning and Approvals Act 1993* throughout to refer to the relevant section of the *Gas Industry Act 2019* instead of the former sections of the *Gas Pipelines Act 2000*.

Sections of the draft Bill that relate to this topic

Clause in draft Bill	Section of LUPAA	Clause note
4	60	Update to reflect current legislation
5	60B	Update to reflect current legislation
7	60D	Update to reflect current legislation
14	60Z	Update to reflect current legislation
24	60ZZI	Update to reflect current legislation
32	60ZZZD	Update to reflect current legislation

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