



*The Essential First Step.*

# Dial Before You Dig - It's the **LAW** in **NSW**

On 1 July 2010 New South Wales became the first Australian jurisdiction to enshrine Dial Before You Dig in law.

The formal name for the legislation is the Energy Legislation Amendment (Infrastructure Protection) Act 2009.

This Act and supporting Regulations changed the legal requirements for anyone excavating near gas and electricity networks in New South Wales.

## **What are some of the new obligations for people digging in New South Wales?**

It is compulsory to notify Dial Before You Dig of the time and place of work at least thirty days before the work starts.

If a network operator believes that excavation works could damage or interfere with its network, they can issue a notice requiring changes to the excavation work. If required, the work can also be prohibited.

Damage to gas and electricity networks must be notified to the operator of the network as soon as possible.

The penalty for interference with electricity or gas works has been doubled to \$22,000 for individuals and \$440,000 for corporations. The maximum jail sentence has also been increased to five years.

Gas and electricity network operators can recover the costs of damage to their mains and cables.

The representatives of gas and electricity network operators have also been given increased powers to enter premises to repair networks or serve notices.

## **Regulations**

Regulations have been introduced to support the changes in legislation.

These Regulations are titled the Electricity Supply (General) Amendment (Infrastructure Protection) Regulation 2010 and the Gas Supply (Safety and Network Management) Amendment (Infrastructure Protection) Regulation 2010.

Under the Regulations, Dial Before You Dig must be notified for-

- Almost all work on private property, including work approved by a Council,
- Work by a public authority and
- Work on underground utility services.

But there are exemptions for-

- Emergency work and
- Potholing to find underground networks.

## **How can I find out more about these new requirements?**

The New South Wales Government has published the full legislation and Regulations online.

Part 5E of the Electricity Supply Act is at [www.legislation.nsw.gov.au/maintop/view/inforce/act+94+1995+cd+0+N](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+94+1995+cd+0+N).

Part 4A of the Gas Supply Act is at [www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1996+cd+0+N](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1996+cd+0+N).

Part 11A of the Electricity Supply Regulation is at [www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+468+2001+cd+0+N](http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+468+2001+cd+0+N).

Part 5A of the Gas Supply Regulation is at [www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+384+2008+cd+0+N](http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+384+2008+cd+0+N).

Also read the NSW WorkCover Authority's Work Near Underground Assets Guideline, available at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).