NORTHERN TERRITORY OF AUSTRALIA

NORTH EAST GAS INTERCONNECTOR PIPELINE (SPECIAL PROVISIONS) ACT 2015

As in force at 10 December 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 10 December 2015

NORTH EAST GAS INTERCONNECTOR PIPELINE (SPECIAL PROVISIONS) ACT 2015

An Act to make special provision for the North East Gas Interconnector Pipeline Project

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *North East Gas Interconnector Pipeline (Special Provisions) Act 2015*.

2 Definitions

In this Act:

Authority Certificate, see section 3 of the *Northern Territory Aboriginal Sacred Sites Act*.

custodian, see section 3 of the *Northern Territory Aboriginal Sacred Sites Act*.

Lands Minister means the Minister responsible for administering the *Pastoral Land Act*.

pastoral land, see section 3(1) of the *Pastoral Land Act*.

pastoral lease, see section 3(1) of the *Pastoral Land Act*.

Pipeline means the North East Gas Interconnector Pipeline, being the pipeline or proposed pipeline to connect the Northern Territory gas pipeline network to the Eastern States gas pipeline network as more fully described by regulation, and includes all associated infrastructure and equipment.

*Note for definition **Pipeline***
In this definition, pipeline has the same meaning as in the Energy Pipelines Act.

Pipeline licensee means the licensee for the Pipeline under the *Energy Pipelines Act*.

project means the project for constructing and operating the Pipeline.

project participant means a person responsible from time to time for the project or any part or aspect of the project and includes:

(a) a subsidiary of a project participant that participates in the project; or

(b) a contractor or other person acting on behalf a project participant.

road, see section 5(1) of the *Control of Roads Act*.

Transport Minister means the Minister responsible for the administration of the *Control of Roads Act* (except Part IV).

Water Minister means the Minister responsible for the administration of the *Water Act*.

waterway, see section 4(1) of the *Water Act*.

Note for section 2

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

3 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

4 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 4

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Priority of applications

5 Application by Pipeline licensee or project participant

Each of the following entities must give priority to considering an application received by the entity from the Pipeline licensee or a project participant and related to the construction or operation of the Pipeline:

(a) a Minister;

(b) an Agency;

(c) an officer of an Agency;

(d) a statutory corporation;

(e) a local government council.

Part 3 Roads and waterways

6 Construction in road

(1) The Pipeline licensee may, with the Transport Minister's written approval, construct and operate the Pipeline in such a way that it is wholly or partly in, under or across a road.

(2) The conditions that apply to the approval are the conditions that the Transport Minister considers appropriate, including conditions that:

(a) require the installation, maintenance and operation of safety devices; and

(b) require the reconstruction and maintenance of the road in or above which the pipeline is constructed or operated.

7 Waterway crossing

(1) The Pipeline licensee may construct and operate the Pipeline across a waterway if:

(a) any requirements under a law of the Commonwealth that must be satisfied have been satisfied; and

(b) the Water Minister has given written approval for the construction and operation of the Pipeline across the waterway.

(2) The following conditions apply to the approval:

(a) unless the instrument of approval otherwise provides – a condition that a project participant must not:

(i) prevent, restrict or interfere with the passage of vessels on the waterway; or

(ii) divert or use water in the waterway; or

(iii) obstruct the flow of water in the waterway;

(b) any other conditions determined by the Water Minister that are:

(i) stated in the instrument of approval; or

(ii) notified to the Pipeline licensee by the Water Minister.

8 Compliance with conditions

(1) The Pipeline licensee must ensure that the conditions that apply to an approval under this Part are complied with.

(2) The Territory may take action to ensure compliance, or to remedy non-compliance, with subsection (1) and recover the costs of doing so from the Pipeline licensee.

(3) The Supreme Court may, on application by the Minister or any other person with a proper interest:

(a) grant an injunction (including a mandatory injunction) to enforce compliance with subsection (1); or

(b) award damages against the Pipeline licensee for non-compliance with this section.

Part 4 Sacred sites

9 Work or use of land in proximity to sacred sites

(1) An Authority Certificate obtained on the application of a project participant (including one obtained before the commencement of this Act) operates in favour of another project participant who carries out work, or uses land, as contemplated in the certificate.

(2) The other project participant is bound by:

(a) the conditions of the certificate; and

(b) if an agreement was reached between the custodians and the applicant – the terms and conditions of the agreement.

Part 5 Easement in gross over pastoral land

10 Easement in gross over pastoral land

(1) An easement in gross over pastoral land in favour of the Pipeline licensee, or a project participant nominated by the Pipeline licensee:

(a) may be created by agreement between:

(i) the Pipeline licensee or the nominated project participant; and

(ii) the pastoral lessee; but

(b) is not valid without the consent of the Lands Minister.

(2) An easement in gross created under subsection (1) is taken to be an easement granted under the *Law of Property Act*.

(3) An easement in gross created under subsection (1) may be varied or extinguished only by agreement between the parties by which it was created (or their successors).

Part 6 Miscellaneous matters

11 Relationship with *Planning Act*

The creation of an interest in, or in respect of, land for purposes related to the construction or operation of the Pipeline, does not constitute a subdivision of land for the purposes of the *Planning Act.*

12 Regulations

The Administrator may make regulations under this Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***North East Gas Interconnector Pipeline (Special Provisions) Act 2015* (Act No. 34, 2015)**

Assent date	10 December 2015
Commenced	10 December 2015