NORTHERN TERRITORY OF AUSTRALIA

TRANS-TERRITORY PIPELINE AND BLACKTIP GAS PROJECTS (SPECIAL PROVISIONS) ACT 2005

As in force at 6 May 2005

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 6 May 2005. Any amendments that commence after that date are not included.

TRANS-TERRITORY PIPELINE AND BLACKTIP GAS PROJECTS (SPECIAL PROVISIONS) ACT 2005

An Act to make special provisions for the Trans-Territory Pipeline Project and the Blacktip Gas Project, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005*.

2 Expiry

(1) If the Minister administering this Act declares, by notice in the *Gazette*, that this Act ceases to operate on and after a specified date, being a date not earlier than the date of the notice, this Act expires on that date.

(2) However, the Minister may not make such a declaration:

(a) before 31 December 2005; or

(b) after the construction work for a Project has commenced.

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 Definitions

In this Act, unless the contrary intention appears:

Blacktip Gas Project means the project for the construction and operation of all of the following facilities:

(a) an offshore gas platform;

(b) an onshore gas plant near Wadeye community;

(c) a pipeline from the gas platform to the onshore gas plant;

(d) all the associated infrastructure for the project.

consortium, in relation to a Project, means the person, or a group of persons, responsible for one or both of the following:

(a) constructing the facilities of the Project;

(b) operating any of those facilities after they have been constructed,

and includes the following:

(c) a member of the group;

(d) the successors and assignees of the person, the group or a member of the group;

(e) a contractor or any other person acting for or on behalf of the person, the group or a person mentioned in paragraph (c) or (d) in connection with constructing or operating the facilities of the Project.

facilities means:

(a) for the Blacktip Gas Project – the facilities mentioned in paragraphs (a), (b), (c) and (d) of the definition of ***Blacktip Gas Project***; or

(b) for the Trans-Territory Pipeline Project – the facilities mentioned in paragraphs (a) and (b) of the definition of ***Trans-Territory Pipeline Project***.

pipeline has the same meaning as in the *Energy Pipelines Act*.

Project means the Blacktip Gas Project or the Trans-Territory Pipeline Project.

road has the same meaning as in the *Control of Roads Act*.

Trans-Territory Pipeline means a pipeline from Wadeye to Gove.

Trans-Territory Pipeline Project means the project for the construction and operation of the following facilities:

(a) the Trans-Territory Pipeline;

(b) all the associated infrastructure for the project.

waterway has the same meaning as in the *Water Act*.

Part 2 Crossing or roads and waterways

5 Road crossing

(1) Despite any other law of the Territory, the consortium for the Trans-Territory Pipeline Project may construct and operate the Trans-Territory Pipeline across a road.

(2) However, the consortium may only do so:

(a) with the written approval of the Minister administering the *Control of Roads Act* (except Part IV) (the ***Transport Minister***); and

(b) in accordance with any conditions specified in the approval.

(3) For subsection (2)(b), the Transport Minister may specify any conditions that the Transport Minister considers appropriate, including any of the following:

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

(b) the construction, use and maintenance of the road at and on either side of the crossing.

(4) If the consortium fails to comply with any of the conditions:

(a) the Territory may take any action necessary to give effect to the condition; and

(b) the reasonable costs and expenses incurred by the Territory in taking that action are recoverable as a debt due to the Territory from the consortium.

6 Waterway crossing

(1) Despite any other law of the Territory, but subject to subsection (6), the consortium for the Trans-Territory Pipeline Project may construct and operate the Trans-Territory Pipeline across a waterway.

(2) However, the consortium must not:

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

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

(c) obstruct the flow of water in the waterway.

(3) Despite subsection (2), the consortium may do any of the things mentioned in subsection (2)(a), (b) or (c):

(a) with the written approval of the Minister administering the *Water Act* (the ***Water Minister***); and

(b) in accordance with any conditions specified in the approval.

(4) For subsection (3)(b), the Water Minister may specify any conditions that the Water Minister considers appropriate.

(5) If the consortium fails to comply with any of the conditions:

(a) the Territory may take any action necessary to give effect to the condition; and

(b) the reasonable costs and expenses incurred by the Territory in taking that action are recoverable as a debt due to the Territory from the consortium.

(6) This section has effect subject to any requirement under a law of the Commonwealth that must be satisfied before the Territory may grant the consortium a right in relation to crossing a waterway.

Part 3 Application of Northern Territory Aboriginal Sacred Sites Act

7 Effect of Authority Certificate

(1) This section has effect in relation to any Authority Certificate issued (whether before or after the commencement of this Act) under the *Northern Territory Aboriginal Sacred Sites Act* authorising any action to be taken for a Project.

(2) The consortium for the Project may, subject to the conditions of the Authority Certificate, take the action as if the consortium were the applicant for that Authority Certificate (whether or not that is in fact the case).

Part 4 Application of Waste Management and Pollution Control Act

8 Application

(1) The *Waste Management and Pollution Control Act* has effect as if the following had been inserted at the end of Schedule 2, Part 1 to that Act:

4. Constructing an onshore gas plant as part of the Blacktip Gas Project within the meaning of the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005*.

(2) The *Waste Management and Pollution Control Act* has effect as if the following had been inserted at the end of Schedule 2, Part 2 to that Act:

6. Operating an onshore gas plant as part of the Blacktip Gas Project within the meaning of the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005*.

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

Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005 (Act No. 23, 2005)

Assent date	6 May 2005
Commenced	6 May 2005