

34. Conferral of rights on pipeline operators

- (1) The DBNGP Land Access Minister may, in writing, confer on a person any right in respect of land in the DBNGP corridor as the DBNGP Land Access Minister considers to be appropriate —
 - (a) for the purpose of —
 - (i) having, constructing, or operating, on the DBNGP corridor any pipeline for transporting gas; or
 - (ii) enhancing any pipeline referred to in subparagraph (i);
 - or
 - (b) for any incidental purpose.
- (2) In subsection (1) —
“operate” includes to maintain, test, or repair.
- (3) Rights may be conferred under this section with the intention that they be exercised by a nominee of the holder and, whether or not they were conferred with that intention, the rights may be exercised by a nominee of the holder approved by the DBNGP Land Access Minister in writing.
- (4) Approval under subsection (3) may be given when the rights are conferred or later, and before approving a nominee the DBNGP Land Access Minister is to be satisfied that there are appropriate arrangements between the holder and the nominee.
- (5) The rights that may be conferred under this section include, so far as is appropriate, rights similar to the rights that, before the commencement of Part 6 Division 2 of the *Gas Corporation (Business Disposal) Act 1999*, the corporation would have had under the *Energy Operators (Powers) Act 1979* in respect of land for the purposes of a gas transmission pipeline of its own outside the DBNGP corridor.

[(5a) and (5b) repealed]

- (6) Rights conferred under this section —
 - (a) are not exclusive; and
 - (b) may be exercised by any person acting on behalf of either the holder or the holder’s nominee.

[Section 34 amended by No. 58 of 1999 ss.41, 71 and 87.]