Western Australia

Dampier to Bunbury Pipeline Act 1997

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Dampier to Bunbury Pipeline Act 1997

Contents

Part 1 — Preliminary

1. Short title 2
2. Commencement 2
3. Terms used 2
4. Crown bound 3

Part 2 — Setting up the sale and dealing with sale proceeds

5. Modified reading of references to the corporation 4
6. Disposal of DBNGP system 4
7. Disposal not obligatory unless directed 5
8. Sale proceeds 5
9. Auditor General may disclose information 5
10. Offence of disclosing information 6
11. Protection from liability 6
12. Validation 6

Part 3 — The assignment and related matters

Division 1 — Preliminary

13. Intention 8
14. Terms used 8

Division 2 — Assignment of assets and liabilities

15. Minister may make transfer orders 9
16. Consequences of transfer order 10
17. Certain contracts validated 11
18. Corporation to complete necessary transactions 11

19. Contracts arising from certain internal arrangements of corporation 12
20. Modification of certain assigned rights 12
21. State indemnities and guarantees 14
22. Registration of documents 14
23. Rectifying error in transfer order 15
24. Saving 15
25. Regulations 16

Division 3 — Subsequent assignability of DBNGP system assets

26. Assignable nature of the assets 16

Part 4 — The pipeline corridor

27. Terms used 17
28. The meaning of "State corridor rights" 17
29. DBNGP Land Access Minister 18
30. Use of staff and facilities of departments, agencies and instrumentalities 19
31. Assignment of certain rights of corporation 20
32. Assignment of certain consents 22
33. Bringing additional land into DBNGP corridor 22
34. Conferral of rights on pipeline operators 23
35. Duration of rights conferred 25
36. Assignment of rights 25
37. Contravention of conditions on rights 25
38. Civil penalties 26
39. Fees and charges relating to rights 27
40. Property in things on the land 27
41. Restrictions on land in the DBNGP corridor 28
42. Compensation if land injuriously affected 29
44. Notation on title to affected land 29
45. DBNGP Corridor Trust Account 30

Part 6 — Miscellaneous

51. Regulations 32
52. Amendments to, or modification of, certain written laws 32
53. Auditor General to report on certain matters 33

Schedule 2 — Compensation if land injuriously affected

1. Term used: affected land 34
2. Claiming compensation 34
3. Doubt about whether claimant is a land holder 34
4. Disposing of claim by purchase or other acquisition 34
5. Giving compensation 35
6. Adjudication on claims 35
7. Matters affecting assessment of compensation 36

Schedule 4 — Amendments to, or modification of, certain Acts

Division 4 — *Gas Corporation Act 1994*
10. Principal Act 37
11. Commencement 37
20. Validation 37

Division 5 — *Land Acquisition and Public Works Act 1902*
21. Principal Act 37
24. Sections 29, 29A, and 29B not to apply 38
25. Application of section 33A 38
26. Section 33F not to apply 38
27. Section 45A not to apply 38
28. Taking of land to be as if for the conferral of rights 38

Division 6 — *Land Administration Act 1997*
29. Principal Act 38
30. Commencement day 38
33. Section 167 not to apply 39
34. Sections 187-191 not to apply 39
35. Taking of land to be as if for the conferral of rights 39

Division 7 — *Local Government Act 1995*
36. Payment in place of local government rates 39

Division 8 — Petroleum and Greenhouse Gas Pipelines Act 1969
37. Principal Act 40
38. Act applies to DBNGP 40
39. Section 7 (power of Minister to authorise entry) 41

40. Section 8 (application for licence) 41
41. Section 12 (conditions of licence) 41
42. Section 21 (access provisions) 41
43. Section 27 (removal of property) 41
44. Section 34 (pipeline standards, specifications, and conditions) 42

Division 10 — *Zoning legislation*

46. Operation of pipeline to be regarded as permissible use 42

Notes

Compilation table 43
Other notes 44

Defined terms

Western Australia

Dampier to Bunbury Pipeline Act 1997

An Act to provide for —

- **the disposal of a pipeline system belonging to the Gas Corporation;**
- **the assignment of things to give effect to the disposal;**
- **the holding of a State land corridor,**

and for related matters.

[Long title amended: No. 65 of 1998 Sch. 3 cl. 6.]

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Dampier to Bunbury Pipeline Act 1997*.

2. Commencement

(1) The provisions of this Act —

(a) that are not in Schedule 4; or

(b) that are in Schedule 4 but for which no other commencement day or time is stated in that Schedule,

come into operation on the day on which this Act receives the Royal Assent.

(2) Provisions in Schedule 4 for which a day or time is stated in that Part to be the commencement day or time come into operation on the day or at the time stated.

3. Terms used

In this Act, unless the contrary intention appears —

Coordinator means the Coordinator of Energy appointed as required by the *Energy Coordination Act 1994*;

corporation means the Gas Corporation established by the *Gas Corporation Act 1994* [1];

corporation's DBNGP system means the gas pipeline system between Dampier and Bunbury that, before any assignment in accordance with this Act, belongs to and is operated by the corporation, including all associated equipment, as identified by the corporation in accordance with Schedule 5, clause 3(3), of the *Gas Corporation Act 1994* [2] before that Schedule was amended by this Act;

pipeline transfer time means the transfer time specified in a transfer order under Part 3 because of which pipelines in the corporation's DBNGP system are assigned under that Part;

privatised DBNGP system means any of the corporation's DBNGP system that has been assigned from the corporation in accordance with this Act, whether or not it has been subsequently further assigned, and includes that system as it may be extended or developed from time to time after its assignment from the corporation.

4. Crown bound

This Act binds the Crown.

Part 2 — Setting up the sale and dealing with sale proceeds

5. Modified reading of references to the corporation

A reference in this Part to the corporation is to be read in accordance with section 94(3) of the *Gas Corporation (Business Disposal) Act 1999*.

[Section 5 inserted: No. 58 of 1999 s. 88.]

6. Disposal of DBNGP system

(1) It is a function of the corporation to —

(a) dispose of the corporation's DBNGP system in whole or in part; and

(b) take steps to bring about that disposal and deal with incidental and related matters.

(2) The Minister may give directions in writing to the corporation with respect to the performance of the function described in subsection (1), and the directions take effect when given to the corporation.

(3) Without limiting subsection (2), a direction under that subsection may require the corporation —

(a) to allow the whole or part of the function described in subsection (1) to be performed on its behalf by; and

(b) to act in accordance with the instructions of,

a committee of persons appointed by the Minister and given responsibility for the conduct of the disposal and other matters referred to in subsection (1).

(4) The Minister must cause the text of any direction under subsection (2) to be laid before each House of Parliament within 14 days after the direction is given, and section 96 of the

Gas Corporation Act 1994 [2] applies as if subsection (1)(a) of it included a reference to this subsection.

(5) The annual report in respect of the corporation must include particulars of any direction under subsection (2) as if section 64(1)(c) of the *Gas Corporation Act 1994* [2] included a reference to such a direction.

7. Disposal not obligatory unless directed

Section 6(1) does not impose on the corporation a duty to perform the function that it gives the corporation but the corporation has a duty to comply with a direction given to it under section 6(2).

8. Sale proceeds

A direction under section 6(2) may, if the corporation has been consulted and the Treasurer concurs —

(a) require the corporation to pay to the Treasurer so much of the proceeds of a disposal under section 6(1) as is specified in the direction;

(b) specify that all or any of the amount required under paragraph (a) to be paid to the Treasurer is to be credited to the DBNGP Corridor Trust Account kept under section 45(1).

9. Auditor General may disclose information

Despite section 46(2) of the *Auditor General Act 2006*, the Auditor General may, for the purpose of facilitating a disposal referred to in section 6(1) and if requested by the corporation and any committee referred to in section 6(3) to do so, disclose to any person, or provide any person with access to, information in his or her possession or under his or her control.

[Section 9 amended: No. 77 of 2006 Sch. 1 cl. 43(1).]

10. Offence of disclosing information

(1) A person who —

(a) under section 9 or otherwise, obtains information connected with a disposal referred to in section 6(1); and

(b) has agreed or is otherwise under a duty not to disclose the information to others,

(in this section called the ***bound recipient***) commits an offence if the person breaches the agreement or the duty without lawful excuse.

(2) A person who obtains information referred to in subsection (1) from or through the bound recipient commits an offence if, without lawful excuse, the person discloses the information in a way that would have resulted in a breach of an agreement or duty if the disclosure had been by the bound recipient.

Penalty: $100 000.

11. Protection from liability

(1) Without limiting section 74 of the *Gas Corporation Act 1994* [2], the corporation, a subsidiary of the corporation or a person performing functions under this Act is not liable for the fact of having done or omitted anything that is required to be done or omitted by a direction given under section 6(2).

(2) Subsection (1) does not extend to the manner in which anything is done or omitted if it is done or omitted in a manner that is contrary to clause 2 or 3 of Schedule 2 of the *Gas Corporation Act 1994* [2] and the direction did not require that it be done in that manner.

12. Validation

Anything that was done before this Part commenced is, and is to be taken to have always been, as valid and effective as if —

(a) this Part had been in operation at all material times; and

(b) the Minister had given the corporation a direction under section 6(2) —

(i) requiring the corporation to take steps to bring about the disposal of all, or a substantial part, of the corporation's DBNGP system and other assets and liabilities of the corporation relating to that system; and

(ii) including a requirement as described in section 6(3).

Part 3 — The assignment and related matters

Division 1 — Preliminary

13. Intention

The intentions of this Part are —

(a) to assign all, or a substantial part, of the corporation's DBNGP system and other assets and liabilities of the corporation relating to that system in accordance with an agreement between the corporation and a prospective purchaser;

(b) to ensure that the assets are capable of being subsequently assigned without further legislation,

and to deal with related matters.

14. Terms used

In this Part, unless the contrary intention appears —

assets means —

(a) property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal; and

(b) without limiting paragraph (a), includes choses in action, goodwill, rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective,

being part of, or relating to, the corporation's DBNGP system, except that it does not include any right, title, or interest that is capable of passing to the DBNGP Land Access Minister under section 31;

assignee means the person specified in a transfer order as —

(a) the person to whom anything is assigned; or

(b) the person a reference to whom has to be treated as being substituted for a reference to the corporation in an agreement or instrument in order to give effect to section 16(1)(b);

liability means any liability, duty or obligation —

(a) whether actual, contingent or prospective, liquidated or unliquidated; or

(b) whether owed alone or jointly or jointly and severally with any other person,

relating to the corporation's DBNGP system or any other asset;

right means any right, power, privilege or immunity whether actual, contingent or prospective, but does not include any privilege or immunity enjoyed by the corporation as an agent of the Crown except in so far as it relates to anything done or omitted to be done by the corporation before the transfer time;

transfer order means an order under section 15, as amended under that section or corrected under section 23 if applicable;

transfer time means the transfer time specified in a transfer order.

Division 2 — Assignment of assets and liabilities

15. Minister may make transfer orders

(1) To give effect to an agreement mentioned in section 13, the Minister may make and publish in the *Gazette* an order that —

(a) specifies a time, being not before the day the order is published, to be the transfer time for that order;

(b) specifies any asset or liability of the corporation that, by operation of section 16, is to be assigned to the person specified in the order; and

(c) specifies any agreement or instrument relating to anything assigned that, by operation of section 16, is to have effect as if, unless otherwise expressly specified in

the order, references to the assignee were substituted for references in it to the corporation.

(2) If the transfer time is specified by reference to when anything is done, the Minister is to cause notice to be published in the *Gazette* of the time when that thing was done.

(3) The transfer order may specify things by reference to schedules which —

(a) need not be published in the *Gazette*; but

(b) must be available for inspection by the public at a place identified in the order,

and anyone or anything specified in a schedule is to be taken to be specified in the order.

(4) Anyone or anything may be specified in a transfer order by describing the person or thing as a member of a class.

(5) Before a transfer order is made specifying anything by reference to a schedule, a copy of which will be required to be delivered to a relevant official under section 22, the form and content of the schedule is to be approved by the relevant official (or each relevant official if there is more than one).

(6) The transfer order, or a schedule to which it refers, may, with the consent of the assignee, be amended by the Minister, by further order published in the *Gazette*, but no such amendment may be made after the transfer time.

16. Consequences of transfer order

(1) If a transfer order is made then, except as may be otherwise agreed between the corporation and the assignee, at the transfer time —

(a) an asset or liability of the corporation that is specified is, by operation of this section, assigned to the assignee; and

(b) an agreement or instrument that is specified has effect, by operation of this section, as if, unless otherwise expressly specified, a reference to the assignee were substituted for a reference to the corporation in the agreement or instrument.

(2) In subsection (1) —

specified means specified in the transfer order.

17. Certain contracts validated

(1) An assigned contract has effect as if, before the assignment —

(a) the terms of the instrument of contract (including any terms incorporated by reference) were authorised by the *Gas Corporation Act 1994* [2] and the *Gas Transmission Regulations 1994* [2], and prevailed to the extent that they contained any inconsistency with those written laws; and

(b) any provision of the *Gas Transmission Regulations 1994* [2] purporting to affect the contract in a way consistent with the terms of the contract were authorised by the *Gas Corporation Act 1994* [2] and prevailed to the extent that it contained any inconsistency with that Act.

(2) In subsection (1) —

assigned contract means a contract for access to gas transmission capacity, or for related matters, the rights and liabilities under which are assigned from the corporation to the assignee, except that it does not include an exempt contract as defined by section 20(5).

18. Corporation to complete necessary transactions

If section 16 cannot, to any extent, have effect as described in this Division (whether because a matter is governed otherwise than by the law of the State, or for any other reason), the corporation is to take all practicable steps for the purpose of

securing that the effect sought to be achieved by the transfer order and this Division is achieved as soon as possible after the transfer time.

19. Contracts arising from certain internal arrangements of corporation

(1) An instrument that provides for arrangements between the corporation's transmission business and any other part of the corporation's (or any subsidiary's) business and operations may be specified in a transfer order as if it created contractual rights and liabilities.

(2) An instrument specified as described in subsection (1) is to be regarded as if its provisions were contractual provisions between different legal entities being, on the one hand, an entity (in this section called ***the assignor***) representing the corporation in the conduct of the corporation's transmission business and, on the other hand, the corporation.

(3) The definitions of ***liability*** and ***right*** in section 14 include contractual liabilities and rights on the part of the assignor that are to be regarded as arising because of subsection (2), and those liabilities and rights are accordingly assignable under this Division.

(4) In this section —

corporation's transmission business means that part of the corporation's (or any subsidiary's) business and operations involved in the granting of access to the capacity of the corporation's DBNGP system to transport gas, and the maintenance and provision of the capability of that system to transport gas.

20. Modification of certain assigned rights

(1) Despite anything to the contrary in a contract under which an assignee assumes the position of the corporation under this Part, the assignee is to offer to vary the price for access to which a

person is entitled under the contract to a price not exceeding the statutory price applicable from time to time for the service provided for in the contract.

(2) The varied price that is required by subsection (1) to be offered has effect, if accepted, from the time that the assignee assumes the position of the corporation unless the parties to the contract otherwise agree.

(3) Subsection (1) does not apply to an exempt contract.

(4) A contract to which subsection (1) applies may provide for a price for access that is above the maximum price, if any, prescribed by regulations for the service concerned.

(5) In this section —

access means access to the capacity of the privatised DBNGP system to transport gas; and

exempt contract —

(a) means a contract in respect of which a declaration under the *Gas Corporation Act 1994* [2], Schedule 5, clause 6 was in force immediately before the coming into operation of clause 17(4) of Schedule 4 of this Act [1]; and

(b) includes a contract entered into —

(i) in substitution for a contract referred to in paragraph (a) or any provision of such a contract; or

(ii) by way of amendment of a contract referred to in paragraph (a) or subparagraph (i);

statutory price means the price that a person could insist on paying if the person were, at the time concerned, entering into a contract for the service concerned.

21. State indemnities and guarantees

(1) The Treasurer may, in the name and on behalf of the State of Western Australia, give any indemnity or guarantee in respect of a matter arising under or related to —

(a) an agreement mentioned in section 13; or

(b) an agreement affected by an assignment in accordance with an agreement mentioned in section 13.

(2) The payment of any money under an indemnity or guarantee given under subsection (1) is to be made by the Treasurer and charged to the Consolidated Account, which this section appropriates to the necessary extent.

[Section 21 amended: No. 77 of 2006 s. 4.]

22. Registration of documents

(1) The Minister is to cause a copy of each transfer order, any schedule to which it refers, and any notice under section 15(2) relating to the transfer time, to be delivered to each relevant official and the corporation.

(2) The relevant officials are to take notice of this Part, any transfer order, including a schedule to which the order refers, and any notice under section 15(2), and are to record and register in the appropriate manner the documents necessary to show the effect of the transfer order and this Part.

(3) Without limiting subsection (2), a statement in an instrument executed by the assignee that any estate or interest in land or other property has been assigned to it by section 16 is evidence of that fact.

(4) In this section —

relevant official means the Registrar of Titles, the Registrar of Deeds and Transfers, the Minister administering the *Mining Act 1978* and any other person authorised by a written law to record and give effect to the registration of documents relating

to transactions affecting any estate or interest in land or any other property.

[Section 22 amended: No. 53 of 1997 s. 52 and Sch. 4 Div. 1; No. 47 of 2011 s. 16.]

23. Rectifying error in transfer order

(1) The Minister may by order published in the *Gazette* make any provision that is necessary to correct any error in a transfer order or a schedule to which a transfer order refers.

(2) An order under this section may be made so as to have effect from the transfer time under the transfer order.

(3) To the extent that a provision of an order under this section has effect before the day of its publication in the *Gazette*, section 16 does not, as a result of that provision, operate so as —

(a) to affect, in a manner prejudicial to any person (other than the State, the corporation, the assignee, or an officer or authority of the State), the rights of that person existing before the day of publication; or

(b) to impose liabilities on any person (other than the State, the corporation, the assignee, or an officer or authority of the State), in respect of anything done or omitted to be done before the day of publication.

24. Saving

The operation of a provision of this Part is not to be regarded —

(a) as a breach of contract or confidence or otherwise as a civil wrong;

(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of information;

(c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any

instrument, because of a change in the beneficial or legal ownership of any asset or liability;

(d) as causing any contract or instrument to be void or otherwise unenforceable; or

(e) as releasing or allowing the release of any surety.

25. Regulations

Regulations may provide for —

(a) any matter or thing for which it is necessary or convenient to make provision in order to give effect to an agreement mentioned in section 13;

(b) any matter that it is necessary or convenient to deal with as a consequence of anything in, or anything done under, this Division.

Division 3 — Subsequent assignability of DBNGP system assets

26. Assignable nature of the assets

(1) The assignment of an asset by the corporation is not prevented by any written law that, before the assignment, states that the asset vests in the corporation.

(2) An asset that has been assigned by section 16 belongs to the assignee, or any person to whom it may be subsequently assigned by or through the assignee, regardless of whether it is of the nature of a fixture, and is capable of being removed from the land and, whether or not it has been removed, is capable of being assigned separately from the land.

Part 4 — The pipeline corridor

27. Terms used

(1) In this Part and Schedule 2, unless the contrary intention appears —

Act Minister means the Minister for the time being responsible for the administration of this Act;

assigned DBNGP corridor means land that has become land in the DBNGP corridor under section 31;

DBNGP corridor means the assigned DBNGP corridor and any additional land that the DBNGP Land Access Minister designates under section 33 to be in the DBNGP corridor;

DBNGP Land Access Minister means the corporation sole established by section 29(1);

holder means a person holding rights conferred under section 34;

nominee means the person, if any, who is approved under section 34(3) as the nominee of the holder;

right, title, or interest includes native title and native title rights and interests, giving those expressions the same meanings as they have in the *Native Title Act 1993* of the Commonwealth;

State corridor rights has the meaning given by section 28.

(2) Anything that is placed in, on or over, or is buried in, land is on that land for the purposes of this Part.

28. The meaning of "State corridor rights"

(1) State corridor rights are an interest in land in the DBNGP corridor and the extent of the interest is such that, if State corridor rights are held in land, neither conferring rights under section 34 nor exercising any right conferred under that section would injuriously affect any right, title, or interest in the land.

(2) State corridor rights may be taken or acquired as described in section 29(2).

29. DBNGP Land Access Minister

(1) For the purposes of —

(a) holding any right, title, or interest in land passing under section 31 or taken or otherwise acquired for the purposes of this Part or Schedule 2;

(b) designating additional land to be in the DBNGP corridor;

(c) administering any restrictions placed under this Part on land in the DBNGP corridor;

(d) conferring rights under section 34; and

(e) performing any other function under or for the purposes of this Part or Schedule 2,

the Minister for the time being appointed by the Governor by order published in the *Gazette* is a corporation sole by the name of "the DBNGP Land Access Minister" with perpetual succession, a common seal and power to do all such things as are required for those purposes.

(2) A right, title, or interest —

(a) may be acquired by the DBNGP Land Access Minister by agreement; or

(b) may be taken under Part 9 of the *Land Administration Act 1997* whereupon, unless it would be incompatible with the nature of the right, title, or interest for it to do so, it vests in the DBNGP Land Access Minister,

and in neither case does the right, title, or interest merge with any estate of the Crown that is not held under this Part by the DBNGP Land Access Minister.

(3) The DBNGP Land Access Minister is to —

(a) perform functions under or for the purposes of this Part or Schedule 2 with, and in accordance with, the advice, either general or in relation to a particular matter, of the Act Minister, and not otherwise; and

(b) inform the Act Minister of —

(i) any order made under section 33;

(ii) any conferral of rights under section 34; or

(iii) any approval under section 34(3) to the exercise of rights under section 34 by a nominee of the holder.

(4) If the Act Minister is appointed to be the DBNGP Land Access Minister subsection (3) does not apply.

[Section 29 amended: No. 53 of 1997 s. 52 and Sch. 4 Div. 1.]

30. Use of staff and facilities of departments, agencies and instrumentalities

(1) The DBNGP Land Access Minister may by arrangement with the relevant employer make use, either full-time or part-time, of the services of any officer or employee —

(a) in the Public Service;

(b) in a State agency or instrumentality; or

(c) otherwise in the service of the Crown in right of the State.

(2) The DBNGP Land Access Minister may by arrangement with —

(a) a department of the Public Service; or

(b) a State agency or instrumentality,

make use of any facilities of the department, agency or instrumentality.

(3) An arrangement under subsection (1) or (2) is to be made on terms agreed to by the parties.

31. Assignment of certain rights of corporation

(1) The corporation is to prepare a schedule identifying the land on which any of the corporation's DBNGP system that the corporation proposes to assign under Part 3 is located, and give the schedule to the DBNGP Land Access Minister.

(2) The land to be identified in the schedule —

(a) subject to paragraph (b), includes land in which the corporation holds an estate in fee simple; but

(b) does not include land if it could not reasonably be considered appropriate for that land to be in the DBNGP corridor.

(3) After giving the DBNGP Land Access Minister the schedule, the corporation may prepare and give to the DBNGP Land Access Minister an amendment to the schedule to include additional land, but the amendment can only be made before disposing of the corporation's DBNGP system that is on that land.

(4) The DBNGP Land Access Minister is to cause notice to be published in the *Gazette* stating that —

(a) land identified in the schedule or included by the amendment becomes land in the DBNGP corridor at the beginning of the day on which the notice is published in the *Gazette*; and

(b) the schedule or amendment is available for inspection as specified in the notice,

and the statement under paragraph (a) has effect.

(5) When land becomes land in the DBNGP corridor —

(a) any right, title, or interest that the corporation has in or over the land, other than an estate in fee simple, passes to the DBNGP Land Access Minister;

(b) State corridor rights pass to the DBNGP Land Access Minister in any of the land in which the corporation holds an estate in fee simple and the estate in fee simple becomes subject to those rights; and

(c) rights as nearly as may be, consistently with this Act, equivalent to the rights that, under the *Energy Operators (Powers) Act 1979*, the corporation had in respect of the land immediately before it became land in the DBNGP corridor are given to the DBNGP Land Access Minister.

(6) The rights, title, and interest pass to the DBNGP Land Access Minister from the corporation under this section even though —

(a) the DBNGP Land Access Minister is not a local authority in the sense in which that term is used in section 33A of the *Land Acquisition and Public Works Act 1902* [3]; and

(b) the DBNGP Land Access Minister does not own or operate a pipeline.

(7) For the purpose of correcting an omission from, or any error in, a schedule or an amendment that was given to the DBNGP Land Access Minister, the corporation may prepare and give to the DBNGP Land Access Minister a notice of correction, and the correction is to be noted on the schedule or amendment that it corrects and has effect from the time when the statement under subsection (4)(a) relating to the schedule or amendment has or had effect.

(8) The DBNGP Land Access Minister is to provide a copy of any notice under subsection (4), the schedule or amendment to which it relates, and any notice of correction under subsection (7), to —

(a) any relevant official having responsibility for a register relating to any of the affected land; and

(b) anyone requesting it who pays the prescribed fee.

[Section 31 amended: No. 58 of 1999 s. 87.]

32. Assignment of certain consents

(1) When land becomes part of the DBNGP corridor, any consent with respect to that land, or any part of it, that the corporation has under section 18 of the *Aboriginal Heritage Act 1972* is, by operation of this section, assigned to the DBNGP Land Access Minister and has effect as if it had been given to the DBNGP Land Access Minister and any holder of rights conferred under section 34.

(2) The reference in subsection (1) to a holder includes a reference to a holder's nominee.

33. Bringing additional land into DBNGP corridor

(1) After land becomes part of the DBNGP corridor because of section 31, the DBNGP Land Access Minister may, by order notice of which is published in the *Gazette*, designate any additional land to be in the DBNGP corridor and the notice has effect from the beginning of the day on which it is published in the *Gazette*.

(2) The DBNGP Land Access Minister can designate additional land to be in the DBNGP corridor only if satisfied that it may be appropriate, either then or in the future, to confer on anyone rights under section 34 in respect of the additional land.

(3) The rights referred to in subsection (2) may be, but do not have to be, for the purposes of a pipeline that was part of the corporation's DBNGP system or is to be connected to such a pipeline.

(4) Additional land can be designated to be in the DBNGP corridor only if at some place that land would abut other land in the DBNGP corridor.

(5) When notice of the order designating additional land has effect, rights as nearly as may be, consistently with this Act, equivalent to the rights that, under the *Energy Operators (Powers) Act 1979*, the corporation would have had immediately before the effective date if the effective date had been before the commencement of Part 6 Division 2 of the *Gas Corporation (Business Disposal) Act 1999* are given to the DBNGP Land Access Minister.

(5a) In subsection (5) —

effective date means the day on which the additional land becomes land in the DBNGP corridor.

(6) The DBNGP Land Access Minister is to provide a copy of any notice of an order designating additional land to —

(a) any relevant official having responsibility for a register relating to any of the additional land; and

(b) anyone requesting it who pays the prescribed fee.

[Section 33 amended: No. 58 of 1999 s. 70 and 87.]

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 any prescribed pipeline for transporting a greenhouse gas substance; or

(ii) enhancing any pipeline referred to in subparagraph (i);

or

(b) for any incidental purpose.

(2) In subsection (1) —

gas means a gas or mixture of gases, whether naturally occurring or manufactured, intended for use —

(a) as a fuel; or

(b) in any chemical process;

greenhouse gas substance has the meaning given in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage Act 1967* section 6E(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.

(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: No. 58 of 1999 s. 41, 71 and 87; No. 17 of 2024 s. 385.]

35. Duration of rights conferred

(1) Rights may be conferred under section 34 for not more than 21 years initially and if, not less than 6 months and not more than 9 months before the rights are due to expire, the holder requests the DBNGP Land Access Minister in writing to extend the period for which they apply, the DBNGP Land Access Minister is to extend the period by a further period of not more than 21 years.

(2) A period may be extended under subsection (1) even though it has been previously extended.

(3) At any time before rights expire, the DBNGP Land Access Minister may cancel them wholly or in part —

(a) at the request of the holder of the rights;

(b) if neither the holder of the rights nor the holder's nominee needs them any longer for the purposes for which they were given;

(c) if there has been a failure to pay any charge as required under section 39(1)(b) in respect of the rights; or

(d) if there has been a contravention of any condition to which the rights are subject.

36. Assignment of rights

(1) The holder of rights conferred under section 34 may assign them with the approval of the DBNGP Land Access Minister.

(2) Approval under subsection (1) is not to be withheld unless withholding it would be in the public interest.

37. Contravention of conditions on rights

(1) Regulations may —

(a) prescribe any condition, or any condition of a particular class, to be a civil penalty condition;

(b) prescribe for a contravention of a civil penalty condition a civil penalty of not more than $500 000 and, if the contravention is of a continuing nature, a further civil penalty of not more than $50 000 in respect of each day or part of a day during which the contravention has continued after the holder of the rights that are subject to the condition was given notice that the condition was being contravened.

(2) In subsection (1) —

condition means a condition to which rights conferred under section 34 are subject.

38. Civil penalties

(1) If a civil penalty condition has been contravened, the DBNGP Land Access Minister may apply to the court for an order under this section.

(2) Upon an application under subsection (1) the court may, if satisfied that a civil penalty condition has been contravened, order that the holder of the rights that are subject to the condition pay to the DBNGP Land Access Minister an amount not exceeding the civil penalty prescribed for the condition.

(3) The amount that the court may, under this section, order to be paid is not affected by any limit to which the jurisdiction of the court is otherwise subject.

(4) A holder's liability to be ordered under this section to pay a civil penalty is not affected by the fact that the contravention arose out of a matter that, under an arrangement between the holder and a nominee of the holder, was the responsibility of the nominee.

(5) An order under this section or a payment under the order does not affect the liability of a person for an offence against this Act or the regulations.

(6) In this section —

civil penalty condition means any condition prescribed under section 37(1)(a) to be a civil penalty condition;

court means the Magistrates Court.

[Section 38 amended: No. 59 of 2004 s. 141.]

39. Fees and charges relating to rights

(1) The DBNGP Land Access Minister may require the payment of —

(a) a fee for conferring, or approving the assignment of, rights conferred under section 34, or for approving the exercise of those rights by a nominee of the holder; and

(b) a periodic charge for being the holder of rights conferred under section 34.

(2) The amount of a charge under subsection (1)(b) may be fixed so as to provide for —

(a) a reasonable return on the value of the rights, title, and interests held by the DBNGP Land Access Minister in the land in the DBNGP corridor; and

(b) the recovery of costs of administering this Part and Schedule 2.

40. Property in things on the land

Anything that a holder of rights conferred under section 34 or a nominee places on land in the DBNGP corridor in accordance with those rights —

(a) does not become a part of the land, regardless of whether it is of the nature of a fixture;

(b) is capable of being assigned separately from the land; and

(c) may be removed from the land by, or with the authority of, the owner of that thing.

41. Restrictions on land in the DBNGP corridor

(1) When —

(a) land becomes part of the DBNGP corridor because of section 31; or

(b) under section 33, the DBNGP Land Access Minister designates any additional land to be in the DBNGP corridor,

the land becomes subject to restrictions under this section.

(2) The restrictions are —

(a) that the land is not to be used in a way that is inconsistent with anything that is on, or is being done on, the land in accordance with rights conferred under section 34;

(b) that, unless the approval in writing of the DBNGP Land Access Minister has been obtained first —

(i) the land is not to be used; and

(ii) statutory powers under any other written law are not to be exercised on or in respect of the land,

in a way or to an extent that could reasonably be expected to materially interfere with the exercise in the future of rights that have been, or might in the future be, conferred under section 34; and

(c) such other restrictions, if any, as are prescribed by the regulations.

(3) The DBNGP Land Access Minister may refuse to give approval under subsection (2)(b) on the grounds of the likelihood of, or the extent of, the interference referred to in that provision or on any other grounds that the DBNGP Land Access Minister thinks relevant.

(4) Regulations may make it an offence to contravene a restriction under this section, and may prescribe a fine of not more than $10 000 in respect of the offence.

42. Compensation if land injuriously affected

(1) A land holder whose right, title, or interest in land is injuriously affected by —

(a) conferring rights under section 34;

(b) exercising any right conferred under section 34; or

(c) any restriction arising under section 41,

is entitled to compensation.

(2) In accordance with section 28, land in respect of which the DBNGP Land Access Minister holds State corridor rights is incapable of being injuriously affected as described in subsection (1), and the creation of State corridor rights by section 31(5)(b) does not give rise to an entitlement to compensation under subsection (1).

(3) Schedule 2 applies with respect to compensation.

(4) For the purposes of this section and Schedule 2 —

land holder means a person holding any right, title, or interest in land and includes a native title holder;

native title holder has the same meaning as it has in the *Native Title Act 1993* of the Commonwealth;

right, title, or interest in land does not include any right conferred under section 34.

*[**43.** Deleted: No. 58 of 1999 s. 42.]*

44. Notation on title to affected land

(1) This section applies if —

(a) any schedule, or amendment to it, or a notice of correction, is provided to a relevant official under section 31(8); or

(b) a copy of a notice of an order designating any additional land to be in the DBNGP corridor is provided to a relevant official under section 33.

(2) Each relevant official is to make any entry in, or endorse or note, the relevant title, land register or record —

(a) to record the passing of any right, title, or interest in land that passes under section 31; and

(b) to give a person searching the title to that land notice that the land is in the DBNGP corridor and is affected by this Part and Schedule 2.

(3) In this section —

relevant official means —

(a) the Registrar of Titles; or

(b) the Registrar of Deeds and Transfers,

according to which of them has responsibility for the register relating to the affected land.

[Section 44 amended: No. 53 of 1997 s. 52 and Sch. 4 Div. 1; No. 47 of 2011 s. 16.]

45. DBNGP Corridor Trust Account

(1) An agency special purpose account called the DBNGP Corridor Trust Account is established under section 16 of the *Financial Management Act 2006*.

(2) There is to be credited to the DBNGP Corridor Trust Account —

(a) any amount that a direction in accordance with section 8 specifies is to be credited to the account;

(b) the amount of any fees or charges paid as required under section 39(1);

(c) the amount of any civil penalty paid to the DBNGP Land Access Minister under section 38; and

(d) any other money appropriated to the account by Parliament.

(3) The reference in subsection (2)(d) to money appropriated by Parliament includes a reference to money paid or advanced under the authority of section 24 or 28 of the *Financial Management Act 2006* or under the authority of a Treasurer's Advance Authorisation Act.

(4) The Treasurer may from time to time determine an amount of money that is to be transferred from the DBNGP Corridor Trust Account to the Consolidated Account.

(5) There is to be charged to the DBNGP Corridor Trust Account —

(a) the amount of any payment of compensation to which a person is entitled under section 42;

(b) the cost of taking or otherwise acquiring any land or right, title, or interest in land for the DBNGP corridor;

(c) any other cost of administering this Part and Schedule 2; and

(d) any amount that the Treasurer determines under subsection (4) is to be transferred from the account to the Consolidated Account.

(6) The administration of the DBNGP Corridor Trust Account is, for the purposes of section 52 of the *Financial Management Act 2006*, to be regarded as a service of the department of the Public Service principally assisting the DBNGP Land Access Minister in the performance of functions under this Part and Schedule 2.

[Section 45 amended: No. 77 of 2006 s. 4 and Sch. 1 cl. 43(2)-(4).]

[Part 5 (s. 46-50) deleted: No. 65 of 1998 Sch. 3 cl. 7[4]*.]*

Part 6 — Miscellaneous

51. Regulations

(1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) Without limiting the generality of subsection (1), regulations may —

(a) impose limitations on the extent, if any, to which the DBNGP owner, as defined in section 46 [5], or its officers, servants, consultants, independent contractors, or agents may participate in or be connected with a business of producing, purchasing, trading, or selling gas;

(b) impose requirements for, or limitations upon, the prices, and other terms and conditions, upon which the DBNGP owner, as defined in section 46 [5], provides access to gas transmission capacity to a person affiliated with the DBNGP owner, including, without limiting the generality of this paragraph, a requirement that those prices and other terms and conditions be subject to the approval of the Coordinator;

(c) identify the classes of persons affiliated with the DBNGP owner for the purposes of paragraph (b).

(3) If there is any conflict or inconsistency between a provision made by regulations under this Act and a provision made by regulations under the *Gas Standards Act 1972*, the latter prevails.

[Section 51 amended: No. 74 of 2003 s. 10(2).]

52. Amendments to, or modification of, certain written laws

Schedule 4 applies for the purpose of amending, or modifying the application of, written laws as described in that Schedule.

53. Auditor General to report on certain matters

(1) The Auditor General must examine and report to the Parliament within 60 days of the settlement of the agreement contemplated in Part 3 on the following matters —

(a) any obligations, duties or liabilities imposed on the State;

(b) any indemnities or guarantees given by the State; and

(c) any other matter which arises out of or is connected with the matters mentioned in paragraphs (a) and (b).

(2) If in any year any indemnity or guarantee given under section 21(1) remains outstanding, the Auditor General may include in his or her report under section 24 of the *Auditor General Act 2006* a report on the extent of the liability of the State under those indemnities and guarantees.

[Section 53 amended: No. 77 of 2006 Sch. 1 cl. 43(5).]

[Schedule 1 deleted: No. 65 of 1998 Sch. 3 cl. 8[4]*.]*

Schedule 2 — Compensation if land injuriously affected

[s. 42]

1. Term used: affected land

In this Schedule —

affected land means land a right, title, or interest in which is injuriously affected as described in section 42.

2. Claiming compensation

(1) A claim for compensation under section 42 is made by submitting the claim to the DBNGP Land Access Minister within the time prescribed by, and otherwise in accordance with, the regulations.

(2) The claim for compensation may extend not only to land in the DBNGP corridor but also to any other affected land of the claimant.

3. Doubt about whether claimant is a land holder

If there is a question as to whether the claimant is a land holder, the claim is to be received and dealing with it under this Schedule may be postponed while issues that are relevant to the question of whether the claimant is a land holder are being resolved.

4. Disposing of claim by purchase or other acquisition

(1) If a claim is made in accordance with this Schedule for compensation, the DBNGP Land Access Minister may —

(a) purchase by agreement the affected land or any estate or interest of the claimant in the affected land; or

(b) if the DBNGP Land Access Minister gives written notice within 3 months of the receipt of the claim that the DBNGP Land Access Minister intends to do so, compulsorily take under Part 9 of the *Land Administration Act 1997* the whole or part of the affected land.

(2) Compensation under section 42 and this Schedule is to be given for injurious affection only in respect of land, or an estate or interest in land, that has not been purchased or taken in accordance with this clause.

[Clause 4 amended: No. 53 of 1997 s. 52 and Sch. 4. Div. 1.]

5. Giving compensation

(1) If the DBNGP Land Access Minister and the claimant agree on compensation that is sufficient to compensate the claimant, the DBNGP Land Access Minister is to compensate the claimant as agreed.

(2) The compensation to be given is to be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Schedule, and, subject to subclause (4), is to include interest computed from 60 days after the day on which the claim was made on the balance of compensation outstanding from time to time at the rate prescribed under section 8(1)(a) of the *Civil Judgments Enforcement Act 2004* at the time at which the claim for compensation is made.

(3) If a claim for compensation has been made under this Schedule and compensation is to be given, the DBNGP Land Access Minister may offer and give to the claimant, an advance on account of the compensation due, and the advance may be received and retained by the claimant without prejudice to any rights under section 42 and this Schedule.

(4) If an offer is made to the claimant under subclause (3) and the offer is not accepted by the claimant within 30 days of the day on which the offer was made, no interest is thereafter payable under subclause (2) to the extent of the amount or value of what was offered.

[Clause 5 amended: No. 8 of 2009 s. 46.]

6. Adjudication on claims

(1) If the DBNGP Land Access Minister and the claimant do not agree upon any question as to —

(a) whether, or for what, the claimant is entitled to compensation; or

(b) the amount or manner of the compensation to be given,

either party may cause the question to be determined in the same manner as if it were a question required to be determined under Part 10 of the *Land Administration Act 1997* as to compensation payable.

(2) Except as otherwise stated in section 42 or this Schedule, Part 10 of the *Land Administration Act 1997* applies for the purposes of the determination of the question, with such modifications as the circumstances require.

(3) In proceedings under this clause for the determination of a question each party is to bear their own costs but this subclause does not prevent the court from making an order as to the payment of fees payable to the court or a member of it.

[Clause 4 amended: No. 53 of 1997 s. 52 and Sch. 4 Div. 1.]

7. Matters affecting assessment of compensation

(1) If land is developed after it becomes subject to restrictions under section 41, whether or not approval is given to the land being developed, the development is to be disregarded in dealing with any claim for compensation under section 42 and this Schedule.

(2) A person is not entitled to be compensated in respect of any matter or thing under section 42 and this Schedule if compensation in respect of it has been awarded under another enactment or a Commonwealth law, and any compensation given under section 42 and this Schedule is to be brought into account in awarding compensation in respect of the same matter or thing under another enactment.

(3) If compensation has previously been given under section 42 and this Schedule to any person in respect of any land, or any estate or interest in land, no further compensation is to be given under section 42 and this Schedule to that or any other person in respect of injurious affection to the same estate or interest in that land except to the extent that further injurious affection results that is of a kind or degree not taken into account in assessing the previous compensation.

[Schedule 3 deleted: No. 58 of 1999 s. 43.]

Schedule 4 — Amendments to, or modification of, certain Acts

[s.52]

[Division 1 (cl. 1-7) omitted under the Reprints Act 1984 s. 7(4)(e).]

[Division 2 (cl. 8) deleted: No. 58 of 1999 s. 44(1).]

[Division 3 (cl. 9) deleted: No. 58 of 1999 s. 72(1).]

Division 4 — *Gas Corporation Act 1994* [2]

10. Principal Act

In this Division the *Gas Corporation Act 1994* [2] is referred to as the principal Act.

11. Commencement

The commencement time for this Division, except clauses 16, 17(1) and (2), 18, and 20, is the pipeline transfer time.

*[**12-18.** Omitted under the Reprints Act 1984 s. 7(4)(e).]*

*[**19.** Deleted]*

20. Validation

A regulation purporting to have been made under the principal Act, and anything purporting to have been done under the Act or the regulations, is and always was as valid and effective as it would have been if the amendments made by clauses 16, 17(1) and (2), and 18 had at all relevant times been made.

Division 5 — *Land Acquisition and Public Works Act 1902* [6]

21. Principal Act

In this Division the *Land Acquisition and Public Works Act 1902* [6] is referred to as the principal Act.

*[**22, 23.** Omitted under the Reprints Act 1984 s. 7(4)(e).]*

24. Sections 29, 29A, and 29B not to apply

Sections 29, 29A, and 29B of the principal Act do not apply to or in relation to land in the DBNGP corridor as defined in section 27 of this Act.

25. Application of section 33A

For the purposes of section 33A of the principal Act, the DBNGP Land Access Minister is a local authority.

26. Section 33F not to apply

Section 33F of the principal Act does not apply to or in relation to the taking of land for the purpose of a conferral of rights by the DBNGP Land Access Minister under section 34 of this Act.

27. Section 45A not to apply

Section 45A of the principal Act does not apply to or in relation to —

(a) the taking of land for the purposes of this Act; or

(b) the determination of a question arising upon a claim for compensation under section 42 of this Act.

28. Taking of land to be as if for the conferral of rights

When applying the principal Act, the taking of land for the purposes of Part 4 or Schedule 2 of this Act is to be regarded as being for the purpose of the conferral of rights under Part 4 of this Act, whether or not rights have already been conferred under that Part in respect of the land.

Division 6 — *Land Administration Act 1997*

29. Principal Act

In this Division the *Land Administration Act 1997* is referred to as the principal Act.

30. Commencement day

The commencement day for this Division is the day fixed under section 2(1) of the principal Act [1].

*[**31, 32.** Omitted under the Reprints Act 1984 s. 7(4)(e).]*

33. Section 167 not to apply

Section 167 of the principal Act does not apply to or in relation to the taking of land for the purpose of a conferral of rights by the DBNGP Land Access Minister under section 34 of this Act.

34. Sections 187-191 not to apply

Sections 187 to 191 of the principal Act do not apply to or in relation to land in the DBNGP corridor as defined in section 27 of this Act.

35. Taking of land to be as if for the conferral of rights

When applying the principal Act, the taking of land for the purposes of Part 4 or Schedule 2 of this Act is to be regarded as being for the purpose of, and the land is to be regarded as being required for the purpose of, the conferral of rights under Part 4 of this Act, whether or not rights have already been conferred under that Part in respect of the land.

Division 7 — *Local Government Act 1995*

36. Payment in place of local government rates

(1) The DBNGP Land Access Minister is not liable to pay rates in respect of land in the DBNGP corridor.

(2) A holder of rights conferred under section 34 of this Act or the holder's nominee approved under section 34(3) of this Act is not, as the holder of those rights or the holder's nominee, liable to pay rates.

(3) The DBNGP Land Access Minister is to pay to each local government in the district of which there is any utilised corridor land an amount equivalent to the rates that would have been assessable in the hands of an owner holding the fee simple in the land whose rates were assessable on the basis of unimproved value.

(4) An amount payable under subclause (3) is to be treated for the purposes of Part 4 of this Act as a part of the cost of administering that Part.

(5) In this clause —

DBNGP corridor and ***DBNGP Land Access Minister*** have the meanings given by section 27 of this Act;

rates means rates under the *Local Government Act 1995*;

utilised corridor land means land in the DBNGP corridor in respect of which rights under section 34 of this Act are held, regardless of whether rights are held by one holder or several holders.

Division 8 — Petroleum and Greenhouse Gas Pipelines Act 1969

[Heading amended: No. 17 of 2024 s. 386.]

37. Principal Act

In this Division the *Petroleum and Greenhouse Gas Pipelines Act 1969* is referred to as the principal Act.

[Clause 37 amended: No. 17 of 2024 s. 387.]

38. Act applies to DBNGP

(1) Any pipeline in the privatised DBNGP system is a pipeline for the purposes of the principal Act despite the exceptions to the definition of ***pipeline*** in that Act.

(2) At the pipeline transfer time —

(a) the DBNGP owner, as defined in section 46 [5] of this Act, becomes, and is to be registered as, the holder of a licence granted under the principal Act the term, conditions, and other details of which are as determined by the Minister responsible for the administration of the principal Act; and

(b) consent to the operation of the pipelines in the privatised DBNGP system is to be regarded as having been given under section 36 of the principal Act.

(3) Subsection (2)(b) does not remove the requirement for consent under section 36 of the principal Act to be obtained in any other circumstance in which the principal Act requires it.

39. Section 7 (power of Minister to authorise entry)

The power given by section 7(1) of the principal Act to the Minister referred to in that provision is not to be exercised in respect of land in the DBNGP corridor, as defined in section 27 of this Act, until the DBNGP Land Access Minister, as defined in that section, has been consulted.

40. Section 8 (application for licence)

Obtaining rights under section 34 of this Act in respect of land or being approved under subsection (3) of that section as the nominee of the holder of those rights is to be regarded, for the purposes of section 8(1)(f) of the principal Act, as acquiring the land.

41. Section 12 (conditions of licence)

For the purposes of section 12(3) of the principal Act —

(a) rights conferred under section 34 of this Act in respect of land are capable of being a sufficient authority over the land; and

(b) becoming the holder of those rights or the holder's nominee approved under section 34(3) of this Act is a sufficient acquisition of those rights.

42. Section 21 (access provisions)

Section 21 of the principal Act does not apply to the privatised DBNGP system.

43. Section 27 (removal of property)

(1) For the purpose of enabling a direction to be given in an instrument under section 27 of the principal Act to a licence holder, property of the licence holder or a nominee of the licence holder approved under section 34(3) of this Act that —

(a) was assigned under Part 3 of this Act to the property holder or a person through whom the property holder took the property; and

(b) is in the DBNGP corridor as defined in section 27 of this Act,

may be specified in the instrument as if it had been brought there by a person engaged or concerned in the operations authorised by the licence.

(2) In this clause —

licence holder means a person who is or was the holder of a licence under the principal Act;

property holder means the licence holder or a nominee of the licence holder approved under section 34(3) of this Act.

44. Section 34 (pipeline standards, specifications, and conditions)

(1) Any pipeline that was part of the corporation's DBNGP system is to be taken, for the purposes of the principal Act, to have been constructed in accordance with any standards, specifications, and conditions prescribed under that Act.

(2) A licence under the principal Act cannot impose any standards, specifications, or conditions in respect of a pipeline described in subclause (1) except to the extent that they relate to the operation or maintenance of the pipeline.

[Division 9 (cl. 45) deleted: No. 58 of 1999 s. 44(2).]

Division 10 — *Zoning legislation*

46. Operation of pipeline to be regarded as permissible use

(1) For the purposes of any written law under which restrictions are placed on the purposes for which land may be used, the operation of any pipeline in the DBNGP corridor as contemplated by this Act is to be regarded as being within the purposes for which land in the DBNGP corridor may be used.

(2) In subclause (1) —

DBNGP corridor has the meaning given to that term in section 27 of this Act.

Notes

This is a compilation of the *Dampier to Bunbury Pipeline Act 1997* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Short title	Number and year	Assent	Commencement
Dampier to Bunbury Pipeline Act 1997	53 of 1997 (as amended by this Act Sch. 4 Div. 1)	12 Dec 1997	Act other than Sch. 4 Div. 1, Div. 4 (except cl. 16, 17(1) and (2), 18 and 20) and Div. 6: 12 Dec 1997 (see s. 2); Sch. 4 Div. 1: 30 Mar 1998 (see s. 2 and cl. 2 and *Gazette* 27 Mar 1998 p. 1765); Sch. 4 Div. 4 (except cl. 16, 17(1) and (2), 18 and 20): 11.00 am 25 Mar 1998 (see s. 2 and cl. 11 and *Gazette* 25 Mar 1998 p. 1655); Sch. 4 Div. 6: 30 Mar 1998 (see s. 2 and cl. 2 and *Gazette* 27 Mar 1998 p. 1765)
Gas Pipelines Access (Western Australia) Act 1998 Sch. 3 Div. 2 [4, 7, 8]	65 of 1998	15 Jan 1999	Sch. 3 Div. 2 Subdiv. 2: 9 Feb 1999 (see s. 2 and *Gazette* 8 Feb 1999 p. 441); Sch. 3 Div. 2 Subdiv. 3: 1 Jan 2000 (see cl. 5)
Gas Corporation (Business Disposal) Act 1999 s. 41-44, 70-72, 87 and 88	58 of 1999	24 Dec 1999	s. 41-44: 24 Dec 1999 (see s. 2(1)); s. 70-72 and 87: 1 Jul 2000 (see s. 2(2) and *Gazette* 4 Jul 2000 p. 3545); s. 88: 16 Dec 2000 (see s. 2(5) and *Gazette* 15 Dec 2000 p. 7201)

Reprint of the *Dampier to Bunbury Pipeline Act 1997* as at 17 Nov 2000 (includes the amendments listed above except those in the *Gas Corporation (Business Disposal) Act 1999* s. 88)

Short title	Number and year	Assent	Commencement
Statute (Repeals and Minor Amendments) Act 2003 s. 10(2)	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
Courts Legislation Amendment and Repeal Act 2004 s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7128)
Financial Legislation Amendment and Repeal Act 2006 s. 4 and Sch. 1 cl. 43	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and *Gazette* 19 Jan 2007 p. 137)
Reprint 2: The *Dampier to Bunbury Pipeline Act 1997* as at 24 Apr 2009 (includes the amendments listed above)			
Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 46	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
Statutes (Repeals and Minor Amendments) Act 2011 s. 16	47 of 2011	25 Oct 2011	26 Oct 2011 (see s. 2(b))
Petroleum Legislation Amendment Act 2024 Pt. 5 Div. 4	17 of 2024	14 May 2024	28 May 2026 (see s. 2(b) and SL 2026/70 cl. 2)

Other notes

1 The *Gas Corporation Act 1994* was repealed by the *Gas Corporation (Business Disposal) Act 1999*.

2 The *Gas Transmission Regulations 1994* were repealed by the *Gas Transmission Repeal Regulations 1998*.

3 Short title changed to the *Public Works Act 1902*, and section 33A repealed, by the *Acts Amendment (Land Administration) Act 1997*.

4 The *Gas Pipelines Access (Western Australia) Act 1998* Sch. 3 cl. 4(2) reads as follows:

> (2) Any proceedings for the hearing and determination of a dispute by the referee, as defined in section 46 of the principal Act immediately before the commencement of clause 3, that have been commenced but not completed before that commencement, may be continued and determined by the referee, and any appeal may

be brought and disposed of, as if clause 3 and this clause had not been enacted.

[5] Section 46 repealed by the *Gas Pipelines Access (Western Australia) Act 1998* Sch. 3 cl. 7.

[6] Short title changed to the *Public Works Act 1902* by the *Acts Amendment (Land Administration) Act 1997*.

[7] The *Gas Pipelines Access (Western Australia) Act 1998* Sch. 3 cl. 9 reads as follows:

9. Transitional provisions

(1) Despite the repeals effected by clauses 7 and 8, the repealed access scheme continues to apply in relation to the privatised DBNGP system, as defined in section 3 of the principal Act, until an Access Arrangement is approved under the Gas Pipelines Access (Western Australia) Law in relation to that system.

(2) The Governor may make regulations —

(a) modifying the repealed access scheme for the purposes of subclause (1); and

(b) making such provision as is necessary or expedient for the transition from the repealed access scheme to the Gas Pipelines Access (Western Australia) Law including without limitation provision in relation to —

(i) matters in progress; and

(ii) dispute proceedings that have been begun.

(3) In this clause —

repealed access scheme means —

(a) Part 5 of the principal Act repealed by clause 7;

(b) Schedule 1 to that Act repealed by clause 8;

(c) the *Dampier to Bunbury Pipeline Regulations 1998*; and

(d) the *Gas Referee Regulations 1995*.

[8] The amendment in the *Statutes (Repeals and Minor Amendments) Act 2000* s. 14(13) is not included because the section it sought to amend had been repealed by the *Gas Pipelines Access (Western Australia) Act 1998* Sch. 3 Div. 2 before the amendment purported to come into operation.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
access	20(5)
Act Minister	27(1)
affected land	Sch. 2 cl. 1
assets	14
assigned contract	17(2)
assigned DBNGP corridor	27(1)
assignee	14
bound recipient	10(1)
civil penalty condition	38(6)
condition	37(2)
Coordinator	3
corporation	3
corporation's DBNGP system	3
corporation's transmission business	19(4)
court	38(6)
DBNGP corridor	27(1), Sch. 4 cl. 36(5) and 46(2)
DBNGP Land Access Minister	27(1), Sch. 4 cl. 36(5)
effective date	33(5a)
exempt contract	20(5)
gas	34(2)
greenhouse gas substance	34(2)
holder	27(1)
land holder	42(4)
liability	14
licence holder	Sch. 4 cl. 43(2)
native title holder	42(4)
nominee	27(1)
operate	34(2)
pipeline transfer time	3
privatised DBNGP system	3
property holder	Sch. 4 cl. 43(2)
rates	Sch. 4 cl. 36(5)
relevant official	22(4), 44(3)
right	14
right, title, or interest	27(1)
right, title, or interest in land	42(4)
specified	16(2)
State corridor rights	27(1)
statutory price	20(5)

the assignor ..... 19(2)
transfer order 14
transfer time 14
utilised corridor land ..... Sch. 4 cl. 36(5)

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