

WESTERN AUSTRALIA

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# DAMPIER TO BUNBURY PIPELINE ACT 1997

(No. 53 of 1997)

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# **DAMPIER TO BUNBURY PIPELINE ACT 1997**

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**No. 53 of 1997**

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**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;**
- **rights of access to the capacity of the system to transport gas,**

**and for related matters.**

*[Assented to 12 December 1997]*

The Parliament of Western Australia enacts as follows:

## PART 1 — PRELIMINARY

### Short title

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

### Commencement

2. (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.

### Definitions

3. 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*;

“**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* 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;

**“privatized 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.

**Crown bound**

4. This Act binds the Crown.

**PART 2 — SETTING UP THE SALE AND  
DEALING WITH SALE PROCEEDS**

**This Part to be read as one with *Gas Corporation Act 1994***

5. This Part and the *Gas Corporation Act 1994* are each to be read as if this Part were in that Act.

**Disposal of DBNGP system**

6. (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* 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* included a reference to such a direction.

### **Disposal not obligatory unless directed**

7. 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).

### **Sale proceeds**

8. 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).

### **Auditor General may disclose information**

9. Despite section 91 of the *Financial Administration and Audit Act 1985*, the Auditor General may, for the purpose of facilitating a disposal referred to in section 6 (1) and if requested

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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.

**Offence of disclosing information**

- 10.** (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.

**Protection from liability**

**11.** (1) Without limiting section 74 of the *Gas Corporation Act 1994*, 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* and the direction did not require that it be done in that manner.

### **Validation**

**12.** 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***

**Intention**

**13.** 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.

**Definitions**

**14.** 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***

**Minister may make transfer orders**

15. (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.

### **Consequences of transfer order**

**16.** (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.

### **Certain contracts validated**

**17.** (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 authorized by the *Gas Corporation Act 1994* and the

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*Gas Transmission Regulations 1994*, and prevailed to the extent that they contained any inconsistency with those written laws; and

- (b) any provision of the *Gas Transmission Regulations 1994* purporting to affect the contract in a way consistent with the terms of the contract were authorized by the *Gas Corporation Act 1994* 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).

**Corporation to complete necessary transactions**

**18.** 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.

**Contracts arising from certain internal arrangements of corporation**

**19.** (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.

### **Modification of certain assigned rights**

**20.** (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.

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(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 privatized DBNGP system to transport gas; and

“**exempt contract**” —

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

**State indemnities and guarantees**

**21.** (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 Fund, which this section appropriates to the necessary extent.

### **Registration of documents**

**22.** (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, the Ministers respectively administering the *Land Act 1933* and the *Mining Act 1978* and any other person authorized 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.

### **Rectifying error in transfer order**

**23.** (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.

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(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.

**Saving**

**24.** 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.

## **Regulations**

**25.** 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***

#### **Assignable nature of the assets**

**26.** (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

### Interpretation

27. (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.



**The meaning of “State corridor rights”**

**28.** (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).

**DBNGP Land Access Minister**

- 29.** (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 the *Land Acquisition and Public Works Act 1902* 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.

**Use of staff and facilities of departments, agencies and instrumentalities**

**30.** (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.

**Assignment of certain rights of corporation**

**31.** (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.

**s. 31**

(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 Corporations (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*; 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.

#### **Assignment of certain consents**

**32.** (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.

**s. 33**

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

**Bringing additional land into DBNGP corridor**

**33.** (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 Corporations (Powers) Act 1979*, the corporation had in respect of the additional land immediately before it became land in the DBNGP corridor are given to the DBNGP Land Access Minister.

(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.

### Conferral of rights on pipeline operators

**34.** (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 the corporation would have under the *Energy Corporations (Powers) Act 1979* in respect of land for the purposes of a gas transmission pipeline of its own outside the DBNGP corridor.

**s. 35**

(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.

**Duration of rights conferred**

**35.** (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.



### **Assignment of rights**

**36.** (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.

### **Contravention of conditions on rights**

**37.** (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.

### **Civil penalties**

**38.** (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,

**s. 39**

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 a Local Court.

**Fees and charges relating to rights**

**39.** (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.

**Property in things on the land**

**40.** 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.

**Restrictions on land in the DBNGP corridor**

**41.** (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.

**s. 42**

(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.

**Compensation if land injuriously affected**

**42.** (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.

### **Supply system emergencies**

**43.** (1) Schedule 3 applies with respect to supply system emergencies.

(2) To the extent that Schedule 3 or anything in an order under that Schedule is inconsistent with any safety provision of the *Petroleum Pipelines Act 1969* or of a licence under that Act, the safety provision prevails and the inconsistent provision of Schedule 3 or the order has no effect.

(3) In subsection (2) —

**“safety provision”** means a provision the effect of which is to protect a person from injury or property from damage.

**s. 44**

**Notation on title to affected land**

- 44.** (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;
  - (b) the Registrar of Deeds; or
  - (c) the Minister administering the *Land Act 1933*,
- according to which of them has responsibility for the register relating to the affected land.

**DBNGP Corridor Trust Account**

- 45.** (1) An account is to be kept at the Treasury called the DBNGP Corridor Trust Account and it forms part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*.

(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 8A or 24 of the *Financial Administration and Audit Act 1985* or under the authority of a Treasurer's Advance Authorization 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 Fund.

(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 Fund.

**s. 45**

(6) The administration of the DBNGP Corridor Trust Account is, for the purposes of section 52 of the *Financial Administration and Audit Act 1985*, 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.



**PART 5 — ACCESS AND PRICING**

**Definitions**

**46.** In this Part and in Schedule 1 —

“**access contract**” means a contract for the purposes of section 49 (2);

“**DBNGP owner**” means the person who is for the time being the owner of the privatized DBNGP system;

“**gas transmission capacity**” means the capacity of the privatized DBNGP system to transport gas;

“**referee**” means a person who is a referee under Part 6 of the *Gas Corporation Act 1994*;

“**regulations**” means the regulations referred to in section 50;

“**shipper**” means a person who has a contract with the DBNGP owner for access to gas transmission capacity.

**Access to, and pricing for, gas transmission capacity**

**47.** Schedule 1 has effect with respect to access to, and pricing for, gas transmission capacity.

**Progressive introduction of access to gas transmission capacity**

**48.** (1) The Minister, by order or orders published in the *Gazette*, is to prescribe the manner and timing of the progressive application of subclause (1) of clause 2 of Schedule 1 and that subclause has effect accordingly.

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(2) An order under subsection (1) may be amended by a further order made by the Minister and published in the *Gazette*.

(3) Despite anything prescribed by an order under subsection (1), subclause (1) of clause 2 of Schedule 1 applies without limitation to access to spare capacity or developable capacity for the Gas Corporation established by the *Gas Corporation Act 1994*.

(4) If the Minister thinks that the public interest requires it, an order under subsection (1) may provide that subclause (1) of clause 2 of Schedule 1 applies without limitation to access to spare capacity or developable capacity for the Electricity Corporation established by the *Electricity Corporation Act 1994*.

(5) If the DBNGP owner makes access to spare capacity or developable capacity available contrary to the prohibition in subclause (1) of clause 2 of Schedule 1, the DBNGP owner commits an offence and is liable to a fine of \$100 000 and a further fine of \$10 000 for each day or part of a day during which the offence has continued after notice of the offence was given by the Coordinator to the DBNGP owner.

**Enforcement of obligations**

**49.** (1) The obligations imposed on the DBNGP owner by this Part and by Schedule 1 create duties that are enforceable either —

- (a) by civil proceedings in a court; or
- (b) by proceedings before the referee,

as prescribed by the regulations, but no breach of those obligations gives rise to an action for damages.

(2) The terms and conditions on which access is to be made available under clause 2 of Schedule 1 are to be specified in a contract between the DBNGP owner and the shipper, but nothing in the contract can be inconsistent with this Act or the regulations.

(3) Nothing in subsection (1) affects the enforceability of any contract to which the DBNGP owner is a party, or the availability of damages for a breach of any such contract.

(4) Sections 177 and 178 of *The Criminal Code* do not apply to the obligations created by or under this Part and Schedule 1.

### **Regulations for access and pricing**

**50.** (1) Regulations may provide, whether generally or to meet particular cases, for —

- (a) access to, and pricing for, gas transmission capacity; and
- (b) a process by which disputes connected with, arising out of or in relation to the matters the subject of this Part and Schedule 1 may be resolved.

(2) Regulations referred to in subsection (1) are to give effect to and be consistent with, but are not to be limited to, the provisions of Schedule 1.

(3) Regulations referred to in subsection (1) (b) may provide for —

- (a) the referee to have jurisdiction to hear and determine disputes, and in the case of prescribed disputes, for that jurisdiction to be exclusive of the jurisdiction of courts and other tribunals to hear or determine prescribed disputes (including without limitation disputes about the meaning and effect of this Act and the regulations);
- (b) the disputes or classes of disputes which are prescribed disputes;

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- (c) the determination of the referee to be final and binding on all parties to a dispute, and not to be subject to appeal except to a single Judge on a question of law;
- (d) the extent (if any) to which the rules of natural justice or any other rules, process or scheme of review apply to the process of dispute resolution by the referee;
- (e) the practice and procedure to be followed in the process of dispute resolution by the referee, including —
  - (i) the application or otherwise of the rules of evidence;
  - (ii) the compulsion and examination and cross-examination on oath or affirmation of witnesses;
  - (iii) the production of documents;
  - (iv) the rights (if any) to legal representation;
  - (v) confidentiality;
  - (vi) costs, including without limitation the method by which the amount of costs is to be ascertained;
- (f) the powers of the referee, including without limitation the powers —
  - (i) to make awards, including as to damages, costs and interest;
  - (ii) to order parties to a dispute to do or refrain from doing any thing, permanently or for a specified time;

- (iii) to order parties to a dispute to enter into an access contract on prescribed terms and conditions;
  - (iv) to make orders for specific performance; and
  - (v) to undertake investigations and perform other acts of his or her own motion;
  - (g) the protection from liability of witnesses in proceedings before the referee;
  - (h) the status and enforcement of determinations of the referee, including without limitation the conferral of jurisdiction on the Supreme Court to enter and enforce those determinations as judgments of that Court;
  - (i) references from the referee to a single Judge;
  - (j) transfer of proceedings between the referee and the Supreme Court, and adjournment, stay or dismissal of concurrent legal proceedings or arbitrations.
- (4) The regulations are not to empower the referee to make a determination that is inconsistent with this Act or the regulations.

**PART 6 — MISCELLANEOUS**

**Regulations**

**51.** (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, 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, 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* or the *Liquid Petroleum Gas Act 1956*, the latter prevails.

**Amendments to, or modification of, certain written laws**

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

**Auditor General to report on certain matters**

**53.** (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 95 of the *Financial Administration and Audit Act 1985* a report on the extent of the liability of the State under those indemnities and guarantees.

**SCHEDULE 1 — ACCESS TO, AND PRICING FOR, GAS  
TRANSMISSION CAPACITY**

[s. 47]

**Definitions**

1. In this Schedule —

“**DBNGP access manual**” means the DBNGP access manual approved under clause 3 or that manual as for the time being amended or substituted in accordance with that clause;

“**developable capacity**” means any increase in firm capacity which would arise from any enhancement to or expansion of the privatized DBNGP system;

“**firm capacity**” means, subject to any provision made by the regulations, the largest portion of gas transmission capacity which the DBNGP owner can make available at a probability of reliability established in accordance with standard gas industry practices, whether or not that capacity is committed to existing shippers;

“**non-firm capacity**” means that portion of gas transmission capacity which is not firm capacity, whether or not that portion of gas transmission capacity is committed to existing shippers;

“**spare capacity**” means any portion of firm capacity or non-firm capacity not committed to existing shippers;

“**spot access**” means access to unutilized capacity or spare capacity that is made available for a day or part of a day;

“**unutilized capacity**” means any portion of firm capacity or non-firm capacity that is committed to existing shippers but is not required to be made available to them on a particular day or part of a day.

**Provision of access**

2. (1) The DBNGP owner must, to the extent prescribed under section 48, make available contractual rights to access to spare capacity and, subject to subclause (4), developable capacity on a non-discriminatory basis and on a first come first served basis to any existing or prospective shipper seeking access to either or both of those capacities, and is not to otherwise make access to spare capacity or developable capacity available.



(2) The Coordinator may direct the DBNGP owner to make available access to spare capacity or developable capacity even though it would otherwise be prevented by subclause (1), or it would not be in accordance with the principles described in that subclause, if the Coordinator thinks that in the particular case the public interest requires it, and effect is to be given to the direction.

(3) Subclause (1) does not apply to spot access, and spot access is to be made available to existing shippers on a non-discriminatory basis in such circumstances and on such terms and conditions, if any, as are prescribed in the regulations.

(4) The DBNGP owner is not obliged to provide or make available access to developable capacity to the extent that it would require a material geographic extension of the privatized DBNGP system.

(5) The regulations may make provision for —

- (a) the duration of any access contract;
- (b) the nature of the services to be provided by the DBNGP owner to the shipper, including without limitation the further subclassification of firm capacity and non-firm capacity;
- (c) the nature of circumstances beyond the DBNGP owner's control or to be deemed to be beyond its control, and the extent to which those circumstances relieve the DBNGP owner of its obligations under this Act, the regulations and any contract between the DBNGP owner and a shipper;
- (d) the circumstances in which access to spare capacity which is non-firm capacity is to be made available;
- (e) maximum prices, including without limitation —
  - (i) different maximum prices for subclassifications of gas transmission capacity;
  - (ii) different maximum components of prices and the classes of shippers to which those components apply;
- (f) secondary markets in gas transmission capacity;
- (g) capacity reservation arrangements;
- (h) nomination procedures;
- (i) rights and title to gas, including without limitation —
  - (i) provisions resulting in, or to do with, the transfer, extinguishment, or conferral, of rights or title to gas;
  - (ii) provisions giving protection from liability arising from anything referred to in subparagraph (i);

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- (j) permissible inlet and outlet points;
- (k) gas quality, temperature and pressure requirements at inlet and outlet points;
- (l) rights to restrict or stop flow;
- (m) metering;
- (n) balancing of gas supply and gas demand;
- (o) treatment of gas losses from the privatized DBNGP system;
- (p) gas exchange;
- (q) backup gas supply;
- (r) emergencies and maintenance;
- (s) security for financial obligations, the manner of calculation of financial obligations, and payment arrangements;
- (t) capital investment and other costs payable by shippers in addition to prices, including without limitation investment in inlet and outlet facilities;
- (u) the provision, or limitations on the provision, by the DBNGP owner of reports, forecasts, and other information.

(6) Without limiting subclause (5) (l), the regulations may include provisions to do with restricting or stopping flow that discriminate between shippers on such basis as is fair and reasonable or is in the public interest.

(7) The regulations may require things to be done in accordance with, or otherwise prescribe things by reference to, the DBNGP access manual as from time to time amended or substituted.

**DBNGP access manual**

3. (1) The Coordinator is to approve a DBNGP access manual.

(2) The DBNGP owner may, with the approval of the Coordinator, amend or substitute the DBNGP access manual.

(3) Terms and conditions set out in the DBNGP access manual at the time that access is granted and that are expressed to be terms and conditions to which this subclause applies form part of the access contract, but may be varied, supplemented, or excluded by agreement between the parties to the contract.

(4) The DBNGP access manual may also contain provisions of the kind contemplated by clause 2(7).

(5) The DBNGP owner must, upon request, make available to the Coordinator or any shipper or prospective shipper a copy of the DBNGP access manual as from time to time amended or substituted up to —

- (a) the time of the request; or
- (b) such earlier time as may be specified in the request.

**Obligation to provide details of system**

4. The DBNGP owner must, whenever required by the Coordinator to do so, prepare a schedule identifying in detail the privatized DBNGP system, and must provide to any person a copy of that schedule upon payment to the DBNGP owner by that person of the prescribed fee.

**Obligation to meet capacity needs**

5. (1) The DBNGP owner must incur costs and make capital investment to —

- (a) maintain gas transmission capacity; and
- (b) subject to clause 2(4), provide developable capacity within a reasonable time if requested by any existing or prospective shipper,

if it would be technically and economically feasible to do so.

(2) Regulations may be made as to whether, for the purposes of subclause (1), it would be technically and economically feasible to do anything referred to in that subclause.

**Transparency of accounts**

6. The DBNGP owner must —

- (a) identify, for the purposes of paragraphs (b) and (c) —
  - (i) all income, expenditure, assets and liabilities relating to the privatized DBNGP system; and
  - (ii) where necessary, any item of income, expenditure, assets or liabilities relating only in part to the privatized DBNGP system;
- (b) ensure that its accounts and records are in such form as to enable —
  - (i) all income, expenditure, assets and liabilities relating to the privatized DBNGP system to be properly recorded and distinguished from the DBNGP owner's other income, expenditure, assets and liabilities; and

- (ii) where necessary, any item of income, expenditure, assets or liabilities relating only in part to the privatized DBNGP system to be appropriately apportioned to the privatized DBNGP system;
- (c) prepare annually from those accounts and records audited financial statements in accordance with the regulations and any standards identified in the regulations; and
- (d) provide to the Coordinator a copy of the audited statements, together with the auditor's report, within 90 days after the end of the year to which they relate.

**Exception**

7. This Schedule does not apply to anything defined by section 20(5) to be an exempt contract but —

- (a) the DBNGP owner must take an exempt contract into account for the purposes of fulfilling its obligations under clauses 5 and 6 and under regulations referred to in clause 2(5)(u); and
- (b) regulations referred to in clause 5(2) may prescribe the extent, if any, to which an exempt contract must be taken into account when assessing whether, for the purposes of clause 5(1), it would be technically and economically feasible to do anything referred to in that provision; and
- (c) regulations referred to in clause 2(5)(u), are to oblige a person complying with them to do so in a way that does not involve a breach of any confidentiality provision of an exempt contract.

**SCHEDULE 2 — COMPENSATION IF LAND  
INJURIOUSLY AFFECTED**

[s. 42]

**Definitions**

1. In this Schedule —

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

**Claiming compensation**

2. (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.

**Doubt about whether claimant is a land holder**

3. 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.

**Disposing of claim by purchase or other acquisition**

4. (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 the *Land Acquisition and Public Works Act 1902* 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.

**Sch. 2**

**Giving compensation**

5. (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 determined under section 142 of the *Supreme Court Act 1935* in respect of judgment debts that applies 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.

**Adjudication on claims**

6. (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 III of the *Land Acquisition and Public Works Act 1902* as to compensation payable.

(2) Except as otherwise stated in section 42 or this Schedule, Part III of the *Land Acquisition and Public Works Act 1902* 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.

**Matters affecting assessment of compensation**

7. (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 — SUPPLY SYSTEM EMERGENCIES**

[s. 43]

**Interpretation**

1. (1) In this Schedule —

“**DBNGP corridor**” has the meaning given by section 27;

“**emergency**” means —

- (a) any event or circumstance in relation to a supply system by reason of which the supply of gas from it is, or in the opinion of the Coordinator may reasonably be expected to be, seriously affected; or
- (b) any event or circumstance in relation to any act, matter or thing by reason of which the supply of gas from a supply system is, or in the opinion of the Coordinator may reasonably be expected to be, seriously affected,

that, in the opinion of the operator of the supply system, requires the immediate exercise of powers given by clause 2 or, in the opinion of the Coordinator, requires the exercise of powers given by clause 3 (1) or 4;

“**emergency order**” means an order under clause 3 (1);

“**seriously affected**” means affected to the extent that —

- (a) any life or property is or may be endangered; or
- (b) the supply of gas to tariff customers of the corporation or to any other significant proportion of the users of gas delivered either directly or indirectly by the supply system is, may be, or should be, reduced or terminated;

“**supply system**” means the privatized DBNGP system or any other gas transmission system operated within the DBNGP corridor.

(2) For the purposes of the definition of “emergency” the supply of gas from a supply system is to be regarded as being affected if the obtaining or manner of delivery of gas from it is affected.

(3) A state of emergency exists if an emergency arises or is reasonably expected to arise.



**Immediate action by operator**

2. If a state of emergency exists which by reason of the nature of the emergency does not reasonably allow reference to the Coordinator (which reference is in any event to be made as soon as practicable), the operator of the supply system concerned may take any immediate measures that seem appropriate to avoid or mitigate the emergency, or to ensure the continued transport of gas, in a manner that seems appropriate.

**Emergency order**

3. (1) If a state of emergency exists, the Coordinator may make any order that the Coordinator considers necessary and the circumstances reasonably allow, to provide for —

- (a) the transport of gas and the control, regulation, imposition of restrictions upon, curtailment, interruption, prohibition, or termination, of the supply or use of gas, to or by any person or class of persons, or upon any premises or class of premises, within the whole or any portion of the State, or for any particular purpose or purposes, for any period or periods specified in the order;
- (b) the exemption of any person or class of persons, or of any premises or class of premises, or of any place or institution or class of place or institution, from the operation of the whole or part of the order; and
- (c) the delegation, either generally or specifically, to any person or body of any authority or discretion of the Coordinator under this Schedule.

(2) An emergency order has effect —

- (a) in the portion of the State specified in it; and
- (b) on and from the time the order is made, or such later time as is specified in the order,

and it ceases to have effect 7 days after it first has effect, unless previously renewed or cancelled.

(3) An emergency order is to be —

- (a) published for general information in any portion of the State affected by the order as soon as practicable and in a manner that the Coordinator considers likely to be appropriate having regard to the circumstances and what may be practicable;

- (b) confirmed thereafter by notice in the *Gazette* setting out —
  - (i) the time and date on which it was made; and
  - (ii) the time, date and manner of its original publication;and
- (c) if the manner of publication under paragraph (a) was not by means of a notice in a newspaper, made known in that manner as soon as circumstances permit.

(4) An emergency order may be renewed, cancelled or varied by the Coordinator by a subsequent order.

#### **Emergency action by Coordinator**

4. If a state of emergency exists the Coordinator may take any measures considered appropriate in relation to the emergency, or in relation to the consequences of that emergency, to diminish the effect of, or to terminate, that emergency including measures to discontinue supply to any person considered by the Coordinator to be contravening an emergency order.

#### **Liability to punishment continues**

5. The cancellation or variation of an emergency order does not affect —

- (a) any penalty or punishment incurred, imposed, or liable to be incurred or imposed, before the cancellation or variation; or
- (b) any investigation or legal proceedings in respect of such a penalty or punishment,

despite any other enactment.

#### **Protection**

6. Despite any obligation or duty that a person has to effect or continue any supply of gas, neither that person, the Coordinator, the Crown in right of the State, any Minister of the Crown, nor an officer or servant of any of them, is liable for —

- (a) any interruption, diminution, or termination of any supply that arises by reason of any act done in good faith in the exercise or in purported exercise of powers given by this Schedule; or
- (b) any loss or damage consequential upon an interruption, diminution, or termination of supply referred to in paragraph (a).

**Powers of entry**

7. (1) While a state of emergency exists and for so long afterwards as the circumstances reasonably require, a person given powers by this Schedule may, without notice and without any warrant other than this subclause, immediately enter onto or into any land, premises or thing if it is necessary to do so to exercise any of those powers.

(2) Any question as to what is a necessary entry may be determined by the person exercising the power of entry, and in any proceedings the question is to be presumed, in the absence of evidence to the contrary, to have been determined in good faith.

(3) A person exercising the power of entry given by this clause is required, as soon as practicable, to —

- (a) remove or cause to be removed any machinery, equipment or other thing that the person brought or caused to be brought onto or into the land, premises, or thing for the purpose for which entry was made; and
- (b) make good any physical damage caused in the course of exercising the powers for the purposes of which entry was made, or pay compensation or effect restoration, rehabilitation or restitution.

(4) If entry is effected under this clause for the purpose of exercising powers under clause 3 or 4, the Coordinator may recover as a debt from the operator of the supply system concerned the costs of any expenses incurred in dealing with that emergency, including any expenses incurred in complying with obligations under subclause (3).

(5) While an emergency order is in force, any person authorized by the Coordinator in writing to do so may, without prior notice, enter premises supplied with gas and there make any search or examination necessary to determine whether the order is, in respect of those premises, being contravened in any respect.

**Offences**

8. (1) A person —

- (a) obstructing a person in the exercise of a function under this Schedule; or
- (b) contravening an emergency order,

commits an offence.

(2) The penalty for an offence under subclause (1) is —

- (a) in the case of an individual, \$5 000;
- (b) in the case of a body corporate, \$50 000.

**SCHEDULE 4 — AMENDMENTS TO, OR MODIFICATION OF,  
CERTAIN ACTS**

[s. 52]

***Division 1 — Amendments to this Act because of Land  
Administration Act 1997***

**Principal provisions**

1. In this Division the provisions of this Act that come into operation on the day on which this Act receives the Royal Assent are referred to as the principal provisions.

**Commencement day**

2. The commencement day for this Division is the day fixed under section 2 (1) of the *Land Administration Act 1997*.

**Section 22 (4) amended**

3. Section 22 (4) of the principal provisions is amended in the definition of “relevant official” by deleting “Ministers respectively administering the *Land Act 1933* and” and substituting the following —

“ Minister administering ”.

**Section 29 (2) amended**

4. Section 29 (2) (b) of the principal provisions is amended by deleting “under the *Land Acquisition and Public Works Act 1902*” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997* ”.

**Section 44 (3) amended**

5. Section 44 (3) of the principal provisions is amended in the definition of “relevant official” —

- (a) by inserting “or” after paragraph (a);
- (b) by deleting “; or” at the end of paragraph (b) and substituting a comma; and
- (c) by deleting paragraph (c).

**Schedule 2, clause 4 (1) amended**

6. Schedule 2, clause 4 (1) (b), of the principal provisions is amended by deleting “under the *Land Acquisition and Public Works Act 1902*” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997* ”.

**Schedule 2, clause 6 amended**

7. Schedule 2, clause 6, of the principal provisions is amended in each of subclauses (1) and (2) by deleting “Part III of the *Land Acquisition and Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

***Division 2 — Aboriginal Heritage Act 1972***

**Persons who are to be included as owners**

8. A person who —

- (a) is the holder of rights conferred under section 34 of this Act in respect of land or is the holder's nominee approved under section 34 (3) of this Act; or
- (b) has authority under section 7 of the *Petroleum Pipelines Act 1969* to enter upon land,

is included as a person who is an owner of the land for the purposes of section 18 of the *Aboriginal Heritage Act 1972*.

***Division 3 — Energy Corporations (Powers) Act 1979***

**Exclusion of certain statutory rights**

9. (1) The rights, powers, and privileges given to the corporation by the *Energy Corporations (Powers) Act 1979* do not apply in relation to land in the DBNGP corridor as defined in section 27 of this Act.

(2) Subclause (1) does not have the effect that anything referred to in section 43 of the *Energy Corporations (Powers) Act 1979* ceases to be the property of the corporation.

***Division 4 — Gas Corporation Act 1994***

**Principal Act**

**10.** In this Division the *Gas Corporation Act 1994*\* is referred to as the principal Act.

[\* *Act No. 87 of 1994.*  
*For subsequent amendments see Act No. 55 of 1996.*]

**Commencement**

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

**Long title amended**

**12.** The long title to the principal Act is amended by deleting “**the corporation’s transmission and distribution systems**” and substituting the following —

“  
    **any transmission and distribution systems of the corporation**  
”.

**Section 63 amended**

**13.** Section 63 of the principal Act is amended —

(a) in subsection (1) (a) (ii), by inserting after “basis” the following —

“  
    if the operations of the corporation are divided into segments under subsection (2) (a)  
”;

and

(b) by deleting subsection (2) (a) and substituting the following paragraph —

“  
    (a) the operations of the corporation may be divided into such segments as are agreed between the corporation and the Minister and, if there is a gas transmission system, as defined in section 90, are to be divided into the

following segments or such other segments as may be agreed between the corporation and the Minister —

- (i) the operations relating to that system; and
- (ii) the distribution and supply of gas;

”.

**Section 90 amended**

14. Section 90 of the principal Act is amended —

- (a) by deleting the definition of “gas transmission capacity” and substituting the following definition —

“**“gas transmission capacity”** means, subject to any provision made by the regulations, the capacity of the gas transmission system to transport gas;”;

and

- (b) by deleting the definition of “gas transmission system” and substituting the following definition —

“**“gas transmission system”** means so much, if any, of the gas pipeline system or systems operated by the corporation, including all associated equipment, as is identified by the corporation in accordance with clause 3 (3) of Schedule 5;”.

**Section 91 repealed and a section substituted**

15. Section 91 of the principal Act is repealed and the following section is substituted —

“

**Access to, and pricing for, gas transmission capacity**

**91.** If there is a gas transmission system, Schedule 5 has effect with respect to access to, and pricing for, gas transmission capacity and, even if there is not a gas transmission system, clause 3 (3) of that Schedule has effect.

”.

**Section 95 amended**

**16.** Section 95 (3) of the principal Act is amended —

- (a) in paragraph (h), by inserting after subparagraph (ii) the following subparagraph —
  - “ (ia) the production of documents; ”;
- (b) in paragraph (i), by inserting after subparagraph (ii) the following subparagraph —
  - “ (ia) to order parties to a dispute to enter into a contract under clause 2 (4) of Schedule 5 or clause 2 (4) of Schedule 6, as the case requires, on prescribed terms and conditions; ”;and
- (c) by inserting after paragraph (i) the following paragraph —
  - “ (ia) the protection from liability of witnesses in proceedings before the referee; ”.

**Schedule 5 amended**

**17.** (1) Clause 2 (3) of Schedule 5 to the principal Act is amended by inserting after paragraph (h) the following paragraph —

- “ (ha) rights and title to gas, including without limitation —
  - (i) provisions resulting in, or to do with, the transfer, extinguishment, or conferral, of rights or title to gas;
  - (ii) provisions giving protection from liability arising from anything referred to in subparagraph (i); ”.

(2) After clause 2 (3) of Schedule 5 to the principal Act the following subclause is inserted —

- “ (3a) Without limiting subclause (3) (k), the regulations may include provisions to do with restricting or stopping flow that discriminate between shippers on such basis as is fair and reasonable or is in the public interest. ”.



(3) Clause 3 (3) of Schedule 5 to the principal Act is amended by inserting after “detail” the following —

“  
what, if anything, the Minister has advised the corporation should, for the time being, be  
”.

(4) Clause 6 (4) (a) of Schedule 5 to the principal Act is deleted and the following paragraph is substituted —

“  
(a) means a contract in respect of the transport of gas in a pipeline that —  
(i) was made before the pipeline becomes a part of the gas transmission system; and  
(ii) is binding on the corporation;  
”.

**Schedule 6 amended**

**18.** (1) Clause 2 (3) of Schedule 6 to the principal Act is amended by inserting after paragraph (g) the following paragraph —

“  
(ga) rights and title to gas, including without limitation —  
(i) provisions resulting in, or to do with, the transfer, extinguishment, or conferral, of rights or title to gas;  
(ii) provisions giving protection from liability arising from anything referred to in subparagraph (i);  
”.

(2) After clause 2 (3) of Schedule 6 to the principal Act the following subclause is inserted —

“  
(3a) Without limiting subclause (3) (j), the regulations may include provisions to do with restricting or stopping flow that discriminate between users on such basis as is fair and reasonable or is in the public interest.  
”.

**Sch. 4**

**Unsold parts of corporation's DBNGP system**

**19.** (1) If some, but not all, of the pipelines that are part of the corporation's DBNGP system are assigned under Part 3, any of them that are not assigned, and all associated equipment, become part of the gas distribution system defined in section 90 of the principal Act even though they may not yet be identified by the corporation in a schedule in accordance with clause 3 (2) of Schedule 6 to the principal Act.

(2) As soon as is practicable after any part of the corporation's DBNGP system becomes part of the gas distribution system under subclause (1), the corporation is to prepare another schedule in accordance with clause 3 (2) of Schedule 6 to the principal Act.

(3) Nothing in this clause prevents anything that becomes part of the gas distribution system under subclause (1) from subsequently becoming part of the gas transmission system as defined in section 90 of the principal Act.

**Validation**

**20.** 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***

**Principal Act**

**21.** In this Division the *Land Acquisition and Public Works Act 1902*\* is referred to as the principal Act.

[\* *Reprinted as at 3 June 1997.*]

**Section 5A amended**

**22.** Section 5A of the principal Act is amended by inserting after paragraph (da) the following paragraph —

“  
(db) the DBNGP Land Access Minister established by section 29 (1) of the *Dampier to Bunbury Pipeline Act 1997*;  
”.

**Section 5B amended**

**23.** Section 5B (1) of the principal Act is amended by inserting after paragraph (ca) the following paragraph —

“  
(cb) in the case of the DBNGP Land Access Minister established by section 29 (1) of the *Dampier to Bunbury Pipeline Act 1997*, to the chief executive officer of the department principally assisting the DBNGP Land Access Minister in the administration of Part 4 of that Act or to any other officer of that department;  
”.

**Sections 29, 29A, and 29B not to apply**

**24.** 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.

**Application of section 33A**

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

**Section 33F not to apply**

**26.** 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.

**Section 45A not to apply**

**27.** 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.

**Taking of land to be as if for the conferral of rights**

**28.** 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***

**Principal Act**

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

[\* *Act No. 30 of 1997.*]

**Commencement day**

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

**Section 159 amended**

**31.** Section 159 of the principal Act is amended by inserting after paragraph (d) the following paragraph —

“  
(da) the DBNGP Land Access Minister established by section 29 (1) of the *Dampier to Bunbury Pipeline Act 1997*,”

**Section 160 amended**

**32.** Section 160 (1) of the principal Act is amended by inserting after paragraph (d) the following paragraph —

“  
(da) in the case of the DBNGP Land Access Minister established by section 29 (1) of the *Dampier to Bunbury Pipeline Act 1997*, to the chief executive officer of the department principally assisting the DBNGP Land Access Minister in the administration of Part 4 of that Act or to any other officer of that department;”

**Section 167 not to apply**

**33.** 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.

**Sections 187-191 not to apply**

**34.** 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.

**Taking of land to be as if for the conferral of rights**

**35.** 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***

**Payment in place of local government rates**

**36.** (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 utilized 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*;

**“utilized 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 Pipelines Act 1969***

**Principal Act**

**37.** In this Division the *Petroleum Pipelines Act 1969*\* is referred to as the principal Act.

[\* *Reprinted as at 19 February 1992.*  
*For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 173.*]

**Act applies to DBNGP**

**38.** (1) Any pipeline in the privatized 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 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 privatized 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.

**Section 7 (power of Minister to authorize entry)**

**39.** 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.

**Section 8 (application for licence)**

**40.** 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.

**Section 12 (conditions of licence)**

**41.** 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.

**Section 21 (access provisions)**

**42.** Section 21 of the principal Act does not apply to the privatized DBNGP system.

**Section 27 (removal of property)**

**43.** (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 authorized 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.

**Section 34 (pipeline standards, specifications, and conditions)**

**44.** (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 — Town Planning and Development Act 1928***

**Section 20**

**45.** Section 20 (1) of the *Town Planning and Development Act 1928*\* does not apply to the conferral of rights under section 34 of this Act.

[\* *Reprinted as at 21 February 1996.*  
*For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 231.*]

***Division 10 — Zoning legislation***

**Operation of pipeline to be regarded as permissible use**

**46.** (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.



## LIST OF DEFINED TERMS USED

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

<i>Definition</i>	<i>Provision</i>
access	20 (5)
access contract	46
Act Minister	27 (1)
affected land	Sched. 2, cl. 1
assets	14
assigned contract	17 (2)
assigned DBNGP corridor	27 (1)
assignee	14
bound recipient	10 (1) (b)
civil penalty condition	38 (6)
condition	37 (2)
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