



Western Australia

Dampier to Bunbury Pipeline Act 1997

**Dampier to Bunbury Pipeline (Corridor)
Regulations 1998**

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Defined terms

Dampier to Bunbury Pipeline (Corridor) Regulations 1998

1. Citation

These regulations may be cited as the *Dampier to Bunbury Pipeline (Corridor) Regulations 1998*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —
access area means land in respect of which rights are conferred under section 34;

claim for compensation means a claim for compensation under section 42;

holder, in relation to a condition, means the holder of the rights conferred under section 34 that are subject to the condition;

section means section of the Act.

3. Fees

- (1) For the purposes of section 31(8) the prescribed fee is \$60.00.
- (2) For the purposes of section 33(6) the prescribed fee is \$60.00.

4. Civil penalty conditions

- (1) For the purposes of section 37(1)(a) each of the following conditions is a civil penalty condition —

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- (a) a condition to the effect that the holder must take reasonable steps to minimize damage to the access area and to the surrounding land and is to avoid any unnecessary interference with, and loss of enjoyment of, the surrounding land;
 - (b) a condition to the effect that the holder must not unreasonably interfere with the assets and operations of any other holder of rights conferred under section 34 in respect of the access area or any part of that area.
- (2) The civil penalty for a contravention of a civil penalty condition referred to in subregulation (1) is \$500 000 and, if the contravention is of a continuing nature, there is a further civil penalty of \$50 000 in respect of each day or part of a day during which the contravention has continued after the holder was given notice that the condition was being contravened.

4A. Offence

- (1) A person commits an offence if the person uses land in the DBNGP corridor in a way that contravenes the restriction under section 41(2)(a).
- (2) A person commits an offence if the person —
 - (a) uses land in the DBNGP corridor; or
 - (b) exercises any statutory power under any other written law on or in respect of land in the DBNGP corridor,in a way or to an extent that contravenes the restriction under section 41(2)(b).

Penalty: for an individual and for a body corporate, a fine of \$10 000.

[Regulation 4A inserted: Gazette 13 Dec 2005 p. 5977-8.]

5. Claims for compensation

- (1) A claim for compensation is to be submitted within 6 months after the time when the matter or thing alleged to give rise to an

entitlement to compensation occurred or arose, or within such further period as the DBNGP Land Access Minister allows in accordance with subregulation (2).

- (2) The DBNGP Land Access Minister may, on the application of a person who wishes to make a claim for compensation, extend the period for submission of the claim if the DBNGP Land Access Minister is satisfied that the application is reasonable and made in good faith.
- (3) A claim for compensation is to include —
 - (a) particulars identifying the land in respect of which the claim is made;
 - (b) the nature and particulars of the claimant's right, title or interest in the land;
 - (c) if the land or the right, title or interest is charged, leased, or subject to an easement — particulars of the charge, lease or easement;
 - (d) each matter or thing in respect of which compensation is claimed, with particulars of the nature and extent of the claim; and
 - (e) the claimant's full name and address for service.
- (4) A claim for compensation is to be accompanied by —
 - (a) all documents establishing the claimant's right, title or interest in the land which are in the claimant's custody, possession or power; and
 - (b) a certified copy of all such documents which are not in the claimant's custody, possession or power.

Notes

- ¹ This is a compilation of the *Dampier to Bunbury Pipeline (Corridor) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Dampier to Bunbury Pipeline (Corridor) Regulations 1998</i>	10 Mar 1998 p. 1357	10 Mar 1998
Reprint 1: The Dampier to Bunbury Pipeline (Corridor) Regulations 1998 as at 7 May 2004		
<i>Dampier to Bunbury Pipeline (Corridor) Amendment Regulations 2005</i>	13 Dec 2005 p. 5977-8	13 Dec 2005

Defined terms

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

Defined term	Provision(s)
access area	2
claim for compensation.....	2
holder	2
section.....	2