

DAMPIER TO BUNBURY PIPELINE ACT 1997

DAMPIER TO BUNBURY PIPELINE (CORRIDOR) REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

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

Interpretation

2. 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.

Fees

3. (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.

Civil penalty conditions

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

Claims for compensation

5. (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.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.