

NORTHERN TERRITORY OF AUSTRALIA

ICHTHYS LNG PROJECT ACT 2008

Act No. 33 of 2008

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Act No. 33 of 2008

An Act to facilitate the Ichthys LNG Project

[Assented to 8 December 2008]
[Second reading 23 October 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Ichthys LNG Project Act 2008*.

2 Commencement

This Act is taken to have commenced on 18 July 2008.

3 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

4 Definitions

In this Act:

Agreement means the Project Development Agreement made on 18 July 2008 between the Territory, the Minister for Planning and Lands, INPEX Browse, Ltd ABN 75 084 450 260 and Total E & P Australia ARBN 112 603 880, as amended and in force from time to time, and includes any agreement, lease or right made or granted under it.

the Territory includes the Minister administering the *Crown Lands Act*.

5 Implementation of, and giving effect to, Agreement

- (1) Implementation of the Agreement is authorised.
- (2) Subsection (4) applies to a provision of the Agreement that:
 - (a) requires the Territory to transfer or grant an estate of fee simple in, or a lease, licence or other form of tenure or rights in, over or in relation to, Crown land to:
 - (i) a party to the Agreement; or
 - (ii) a statutory corporation; or
 - (iii) another person; or
 - (b) confers an option, or requires the Territory to grant an option, for the grant of an estate of fee simple in, or a lease, licence or other form of tenure or rights in, over or in relation to, Crown land; or
 - (c) fixes a purchase price, or requires the Territory to fix a purchase price, for the grant of an estate of fee simple in, or a lease of, Crown land; or
 - (d) requires the Territory to renew or extend, or consider the renewal or extension of, the term of a lease of Crown land; or
 - (e) requires or authorises the Territory to consent to or authorises without consent:
 - (i) the assignment, mortgage, charge or encumbrance of a lease of Crown land; or
 - (ii) the sub-letting or otherwise parting with possession of the land, or part of the land, the subject of a lease of Crown land; or
 - (f) requires the Territory to grant an easement (which may include an easement in gross) over Crown land; or
 - (g) requires the Territory to enter into a covenant that runs with land; or
 - (h) restrains the Territory from dealing with Crown land in a particular way.

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- (3) Subsection (2)(a) includes a requirement for a dealing to be in a particular form or contain specified conditions with changes agreed between the parties to the Agreement.
 - (4) Despite a provision of another Act, the Territory must give effect to the provision of the Agreement.
 - (5) In addition, section 27(f) and (j) of the *Crown Lands Act* does not apply in relation to the Agreement.

6 Land Development Corporation to give effect to Agreement

- (1) Subsection (2) applies to a provision of the Agreement that confers rights or imposes obligations on the Land Development Corporation or affects the Corporation in another way.
- (2) Even though the Corporation is not a party to the Agreement:
 - (a) the Agreement has effect in accordance with its terms; and
 - (b) the Corporation is bound by the Agreement.
- (3) Subsection (4) applies to a provision of the Agreement that provides for the vesting of land in the Corporation.
- (4) The Corporation must accept a grant or transfer of the land.

7 Specific performance of Agreement

Despite any law of the Territory, an order for specific performance may be made and enforced against the Territory or Land Development Corporation in relation to its obligations under the Agreement in the same circumstances and on the same conditions as an order for specific performance could be ordered and enforced against an individual.

8 Regulations

- (1) The Administrator may make regulations under this Act for facilitating the carrying out of the Agreement.
- (2) Regulations may be made:
 - (a) modifying the operation of this Act (other than this section) or another Act in relation to any matter arising from or connected with the Agreement; or
 - (b) containing savings or transitional provisions connected with or consequential on the enactment of this Act or a modification under paragraph (a).

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- (3) Regulations under subsection (2):
- (a) may have retrospective operation to a date not earlier than the commencement of this Act; and
 - (b) may only be made within 1 year after the commencement of this Act.
- (4) However, to the extent a regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by decreasing the person's rights or imposing liabilities on the person.