

NORTHERN TERRITORY OF AUSTRALIA

SOLAR PROJECT (AUSTRALIA-ASIA POWER LINK) (SPECIAL PROVISIONS) ACT 2022

Act No. 11 of 2022

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 11 of 2022

An Act to make provision for the development of a solar generation plant and power link to Asia

[Assented to 2 June 2022]
[Introduced 31 March 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Solar Project (Australia-Asia Power Link) (Special Provisions) Act 2022*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 28 March 2027, it commences on that day.

3 Definitions

In this Act:

Agreement means a Project Development Agreement in relation to the solar project made between Sun Cable, the Territory and one or more ministers, as amended and in force from time to time.

appropriate form, for Part 4, see section 18.

approval holder means a person to whom an approval under section 42 or 43 is given or transferred.

Crown lands, see section 3 of the *Crown Lands Act 1992*.

Crown Lands Minister means the Minister administering Part 3 of the *Crown Lands Act 1992*.

Crown lease means a lease of Crown lands granted by the Crown Lands Minister under a law of the Territory.

Crown or pastoral land under-lease, for Part 4, see section 18.

declared agreement means an agreement that is agreed to be a declared agreement under section 59(1)(a) or (2)(a).

declared provision means a provision of an agreement that is agreed to be a declared provision under section 59(1)(b) or (2)(b).

electricity transmission infrastructure means electricity transmission conductors, poles, towers and pylons to which conductors are attached and all ancillary infrastructure for the transmission of electricity.

Geothermal Energy Minister means the Minister administering the *Geothermal Energy Act 2009*.

land register, for Part 4, see section 18.

leasehold lot, for Part 4, see section 18.

lot, for Part 4, see section 18.

Mineral Titles Minister means the Minister administering the *Mineral Titles Act 2010*.

non-pastoral use permit, see section 3(1) of the *Pastoral Land Act 1992*.

Part 4 easement in gross, for Part 4, see section 18.

pastoral land, see section 3(1) of the *Pastoral Land Act 1992*.

Pastoral Land Minister means the Minister administering the *Pastoral Land Act 1992*.

pastoral lease, see section 3(1) of the *Pastoral Land Act 1992*.

Petroleum Minister means the Minister administering Part III, Division 1 of the *Petroleum Act 1984*.

plan of survey, for Part 4, see section 18.

project easement in gross, for Part 4, see section 18.

project infrastructure means any infrastructure that is to be developed, constructed and operated for the purposes of the solar project.

Project Minister means the Minister administering this Act.

project participant means any of the following:

- (a) a person responsible for the solar project or any part or aspect of the solar project;
- (b) a subsidiary of a person mentioned in paragraph (a) that participates in the solar project;
- (c) a contractor or other person acting for or on behalf of a person mentioned in paragraph (a) or (b).

project tenure means each estate in fee simple, lease, licence, easement, easement in gross or other form of land tenure that is required for the solar project and is specified in the Agreement.

Railway Corporation means The AustralAsia Railway Corporation established by section 4 of the *AustralAsia Railway Corporation Act 1996*.

railway corridor means corridor as defined in section 5(1) of the *AustralAsia Railway (Special Provisions) Act 1999*.

registered, for Part 4, see section 18.

registered proprietor, for Part 4, see section 18.

registration, for Part 4, see section 18.

relevant lease means:

- (a) a Crown lease granted for the solar project, whether or not it is a declared agreement; or
- (b) any other lease, sublease or further lease that is a declared agreement.

road, see section 5(1) of the *Control of Roads Act 1953*.

Sacred Sites Act, for Part 6, Division 4, see section 51(1).

site occupier means the project participant who is granted a sublease of, or another right to occupy, the solar generation site.

solar generation plant means the solar generation plant constructed, or to be constructed, at the solar generation site.

solar generation site, see section 9.

solar project means the construction, operation and maintenance of the following:

- (a) the solar generation plant;
- (b) voltage source converter and battery storage facilities (the **converter facilities**) at a location near Darwin;
- (c) a cable transition facility at a location near Darwin;
- (d) electricity transmission infrastructure to transmit electricity:
 - (i) from the solar generation plant to the converter facilities; and
 - (ii) from the converter facilities to the cable transition facility;
- (e) a subsea high voltage direct current and fibre optic cable network from the cable transition facility to a location outside Australia;
- (f) all related or ancillary infrastructure.

Sun Cable means:

- (a) Sun Cable Pty Ltd ACN 623 991 006 (the **company**); and
- (b) the successors and assignees of the company.

Transport Minister means the Minister administering section 59 of the *Control of Roads Act 1953*.

Water Minister means the Minister administering the *Water Act 1992*.

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

4 Act binds Crown

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

Part 2 Implementation of Agreement and key terms**5 Implementation of Agreement**

Implementation of the Agreement is authorised.

6 Power to grant or consent to grant of project tenure

(1) Despite anything to the contrary in the *Crown Lands Act 1992*, *Pastoral Land Act 1992* or any other Act, the Crown Lands Minister and Pastoral Land Minister each have:

(a) the power, in the name of the Territory, to grant the project tenure when required to do so under the Agreement; and

(b) the power to consent to the grant of the project tenure when required to do so under the Agreement.

(2) A power under subsection (1) may be exercised on the minister's own initiative or in accordance with a direction given under section 8.

(3) To avoid doubt, a grant of project tenure or consent to the grant of project tenure required under the Agreement may be made or given without obtaining any approval, and without following any process, that would otherwise be required under the *Crown Lands Act 1992*, *Pastoral Land Act 1992* or any other Act.

(4) A grant of project tenure made, or consent to the grant of project tenure given, in accordance with a requirement of the Agreement is taken to have been made or given under the provision of the *Crown Lands Act 1992*, *Pastoral Land Act 1992* or this Act specified in the instrument evidencing the grant or consent.

7 Restraint on dealing with Crown lands

Despite a provision of any other Act, the Territory and the Crown Lands Minister must give effect to a provision of the Agreement that restrains the Territory or Crown Lands Minister from dealing with Crown lands in a particular way.

8 Direction by Project Minister

- (1) Subject to subsection (3), to give effect to a requirement of the Agreement, the Project Minister may give a written direction to the appropriate Minister to grant, or consent to the grant of, the project tenure.
- (2) The appropriate Minister must comply with a direction given under subsection (1) unless doing so would contravene a law of the Commonwealth.
- (3) The Project Minister must not direct the Pastoral Land Minister to consent to the grant of a sublease of pastoral land unless:
 - (a) a non-pastoral use permit in relation to all the land to be subleased has been registered as mentioned in section 85B of the *Pastoral Land Act 1992*; and
 - (b) the permit enables the land to which it applies to be used for the purposes of constructing, operating and maintaining project infrastructure; and
 - (c) the permit expires on or after the day on which the sublease will expire.
- (4) In this section:

appropriate Minister means the Crown Lands Minister or the Pastoral Land Minister.

Part 3 Solar generation site

Division 1 Location of solar generation site

9 Meaning of *solar generation site*

The ***solar generation site*** is:

- (a) the site depicted as the solar generation site, being Northern Territory Portion 7993(A), on Certified Plan S2022/006; or
- (b) if the Project Minister has, under section 10, declared another site – the site declared.

10 Declaration of alternative site

The Project Minister may, by *Gazette* notice, declare a specified site to be the solar generation site.

Division 2 Consent requirements for activities of interest holders

11 Consent required for activities under *Mineral Titles Act 2010*

- (1) This section applies in relation to a mineral title or access authority:
 - (a) regardless of when the title or authority was granted; and
 - (b) despite anything to the contrary in the *Mineral Titles Act 2010*.
- (2) Subsection (3) applies in relation to a mineral title or access authority if any part of the interest area is within the solar generation site.
- (3) The holder of the mineral title or access authority must not engage in any activities on the interest area that would interfere with the construction, operation or maintenance of the solar generation plant without the consent of the Mineral Titles Minister.
- (4) The holder of a mineral title must not exercise a right under section 83(1) of the *Mineral Titles Act 2010* in relation to a part of the solar generation site without the consent of the Mineral Titles Minister.
- (5) To avoid doubt, the *Mining Management Act 2001* and *Mineral Titles Act 2010* continue to apply in relation to the exercise of rights by holders of mineral titles and access authorities, except to the extent those rights are inconsistent with the provisions of this section or a condition imposed on a consent given under section 14.
- (6) In this section:

access authority, see section 8 of the *Mineral Titles Act 2010*.

interest area, in relation to a mineral title or access authority, means the area of land that is the subject of the title or authority.

mineral title, see section 11(1) of the *Mineral Titles Act 2010*.

12 Consent required for activities under *Petroleum Act 1984*

- (1) This section applies in relation to a petroleum interest or petroleum title:
 - (a) regardless of when the interest or title was granted; and
 - (b) despite anything to the contrary in the *Petroleum Act 1984*.

- (2) Subsection (3) applies in relation to a petroleum interest if any part of the interest area is within the solar generation site.
- (3) The holder of the petroleum interest must not engage in any activities on the interest area that would interfere with the construction, operation or maintenance of the solar generation plant without the consent of the Petroleum Minister.
- (4) The holder of a petroleum title must not exercise a right under section 65(1) of the *Petroleum Act 1984* in relation to a part of the solar generation site without the consent of the Petroleum Minister.
- (5) To avoid doubt, the *Petroleum Act 1984* continues to apply in relation to the exercise of rights by holders of petroleum interests, except to the extent those rights are inconsistent with the provisions of this section or a condition imposed on a consent given under section 14.
- (6) In this section:

interest area, in relation to a petroleum interest, means the area of land that is the subject of the interest.

petroleum interest, see section 5(1) of the *Petroleum Act 1984*.

petroleum title means an exploration permit, a retention licence or a production licence, each as defined in section 5(1) of the *Petroleum Act 1984*.

13 Consent required for activities under *Geothermal Energy Act 2009*

- (1) This section applies in relation to a geothermal authority:
 - (a) regardless of when the authority was granted; and
 - (b) despite anything to the contrary in the *Geothermal Energy Act 2009*.
- (2) Subsection (3) applies in relation to a geothermal authority if any part of the authority area is within the solar generation site.
- (3) The holder of the geothermal authority must not engage in any activities on the interest area that would interfere with the construction, operation or maintenance of the solar generation plant without the consent of the Geothermal Energy Minister.

- (4) The holder of a geothermal authority must not exercise a right under section 42(1) of the *Geothermal Energy Act 2009* in relation to a part of the solar generation site without the consent of the Geothermal Energy Minister.
- (5) To avoid doubt, the *Geothermal Energy Act 2009* continues to apply in relation to the exercise of rights by holders of geothermal authorities, except to the extent those rights are inconsistent with the provisions of this section or a condition imposed on a consent given under section 14.
- (6) In this section:

authority area, in relation to a geothermal authority, means the area of land that is the subject of the authority.

geothermal authority, see section 4 of the *Geothermal Energy Act 2009*.

14 Appropriate Minister's consent

- (1) The holder of a title, authority or interest mentioned in section 11, 12 or 13 may apply to the appropriate Minister for consent to engage in an activity, or exercise a right, mentioned in any of those sections.
- (2) If an appropriate Minister receives an application for consent under subsection (1), the Minister must:
 - (a) request the site occupier to give the Minister written notice of its views on the application by a specified date; and
 - (b) if the site occupier gives the Minister notice of its views by the date specified in the request – take the site occupier's views into consideration in deciding the application; and
 - (c) decide the application by:
 - (i) consenting to the application, subject to any conditions the Minister considers appropriate; or
 - (ii) refusing to consent to the application.
- (3) If the appropriate Minister consents to the application:
 - (a) no compensation is payable by the applicant to the site occupier or any other person as a result, except to the extent compensation would have been payable in the absence of this Act; and

- (b) the Minister may disclose to the site occupier or any other project participant the conditions on which the consent was given.
- (4) An injunction cannot be sought by any person to prevent, delay or interfere with the consideration by the appropriate Minister of, or a decision by the appropriate Minister on, an application for consent under subsection (1).
- (5) In this section:

appropriate Minister means the Geothermal Energy Minister, Mineral Titles Minister or Petroleum Minister as the case requires.

15 Compliance and enforcement

- (1) An interest holder must comply with each condition (a ***condition***) of a consent given to the interest holder under section 14.
- (2) If an interest holder fails to comply with section 11, 12 or 13 or a condition:
 - (a) the Territory may take the action necessary to ensure compliance with the section or to give effect to the condition; and
 - (b) the reasonable costs and expenses incurred by the Territory in taking that action are recoverable as a debt due to the Territory from the interest holder.
- (3) On application by the Territory or the relevant minister, the Supreme Court may:
 - (a) grant an injunction (including a mandatory injunction) to enforce compliance with section 11, 12 or 13 or a condition; or
 - (b) award damages against an interest holder for non-compliance with section 11, 12 or 13 or a condition.
- (4) On application by the site occupier, the Supreme Court may:
 - (a) grant an injunction (including a mandatory injunction) to enforce compliance with section 11, 12 or 13; or
 - (b) award damages against an interest holder for non-compliance with section 11, 12 or 13.

(5) In this section:

interest holder means the holder of a title, an authority or an interest mentioned in section 11, 12 or 13.

16 Cessation of Division

- (1) Subject to subsection (2), the Project Minister may, by *Gazette* notice, declare that this Division ceases to have effect on a specified day.
- (2) The Project Minister may not make a declaration under subsection (1) unless:
 - (a) a project participant has been granted a sublease of, or another right to occupy, the solar generation site and the sublease or other right has been terminated, has expired or has been otherwise determined; or
 - (b) the Agreement has been terminated.
- (3) This Division and any consents granted under it cease to have effect on and from the day specified in the declaration.

Division 3 Non-pastoral use permit

17 Extended term of non-pastoral use permit

Despite section 89 of the *Pastoral Land Act 1992* and the provisions of any other Act, a non-pastoral use permit to use pastoral land for the purposes of constructing, operating and maintaining project infrastructure may be granted for a term of 70 years.

Part 4 Easements in gross and mortgages

Division 1 Definitions

18 Definitions

In this Part:

appropriate form, see section 4 of the *Land Title Act 2000*.

Crown or pastoral land under-lease means a sublease, or any further lease, of land that is subject to a Crown lease or pastoral lease.

land register, see section 4 of the *Land Title Act 2000*.

leasehold lot means a lot that is created on the recording of particulars of a deed of grant (as defined in section 4 of the *Land Title Act 2000*) evidencing the grant of a Crown lease or pastoral lease.

lot, see section 4 of the *Land Title Act 2000*.

Part 4 easement in gross means an easement in gross created for the solar project over a leasehold lot, a Crown or pastoral land under-lease or another type of lease, in accordance with Division 2.

plan of survey, see section 4 of the *Land Title Act 2000*.

project easement in gross means:

- (a) a Part 4 easement in gross; or
- (b) any other easement in gross created for the solar project.

registered means registered under the *Land Title Act 2000*.

registered proprietor means:

- (a) in relation to a lot – a person recorded in the land register as a proprietor of the lot; or
- (b) in relation to a lease – the lessee under the lease.

registration means registration under the *Land Title Act 2000*.

Division 2 Easements in gross

19 Creation of easement in gross for solar project over leasehold lots and leases

- (1) Subject to this Division, an easement in gross may be created for the solar project over any of the following lots or leases by registering, under the *Land Title Act 2000*, an instrument of easement in gross:
 - (a) a leasehold lot;
 - (b) a Crown or pastoral land under-lease;
 - (c) any other type of lease.

- (2) The *Land Title Act 2000* applies in relation to an easement in gross mentioned in subsection (1) subject to the following:
- (a) if there is an inconsistency between this Division and that Act, this Division prevails;
 - (b) the Act applies in relation to an easement in gross created over a lease mentioned in subsection (1)(b) or (c) as if the easement in gross were an easement in gross created over a lot.
- (3) To avoid doubt, this section does not prevent an easement in gross being created for the solar project over a lot that is not mentioned in subsection (1).

20 Requirements of instrument

- (1) Despite section 92 of the *Land Title Act 2000*, an instrument of easement in gross mentioned in section 19(1) must:
- (a) be in the appropriate form; and
 - (b) specify that it is an easement in gross and its terms; and
 - (c) specify a term that expires on or before the expiry of:
 - (i) if the easement in gross is created over a leasehold lot – the Crown lease or pastoral lease the recording of the grant of which created the lot; or
 - (ii) otherwise – the lease over which the easement in gross is created; and
 - (d) identify the person having the benefit of the easement in gross; and
 - (e) specify:
 - (i) if the easement in gross is created over a leasehold lot – the leasehold lot; or
 - (ii) otherwise – the lease over which the easement in gross is created and the lot over which the lease is registered; and
 - (f) include a plan of survey identifying the land to be burdened by the easement in gross; and

- (g) be validly executed by:
 - (i) the registered proprietor of the leasehold lot or lease over which the easement in gross is created; and
 - (ii) the person having the benefit of the easement in gross; and
 - (h) include or be lodged with the written consents required under section 21.
- (2) Subsection (1) does not limit the matters that the appropriate form for an instrument of easement in gross may require to be included in the form.

21 Consents for creation

- (1) For an easement in gross created over a leasehold lot, the consent of the following persons is required:
- (a) the Crown Lands Minister or the Pastoral Land Minister, as appropriate;
 - (b) each registered mortgagee of the lot.
- (2) For an easement in gross created over a Crown or pastoral land under-lease, the consent of the following persons is required:
- (a) the Project Minister;
 - (b) each registered mortgagee of the under-lease;
 - (c) each registered mortgagee of the leasehold lot over or in respect of which the under-lease is registered;
 - (d) each registered mortgagee of each other lease registered over or in respect of the land that will be burdened by the easement in gross, other than a lease that is derived from the under-lease.
- (3) For an easement in gross created over any other type of lease (the **burdened lease**), the consent of the following persons is required:
- (a) the Project Minister;
 - (b) each registered mortgagee of the burdened lease;
 - (c) each registered mortgagee of the lot over or in respect of which the burdened lease is registered;

- (d) each registered mortgagee of each other lease registered over or in respect of the land that will be burdened by the easement in gross, other than a lease that is derived from the burdened lease;
- (e) if, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or another law of the Commonwealth, a person is required to consent to the grant of the easement in gross – each person so required.

22 Transfer

- (1) A Part 4 easement in gross may be transferred by the person with the benefit of the easement in gross by registering, under the *Land Title Act 2000*, an instrument of transfer of easement in gross.
- (2) The instrument of transfer of easement in gross must:
 - (a) be validly executed by:
 - (i) subject to subsection (3), the registered proprietor of the leasehold lot or lease over which the easement in gross was created; and
 - (ii) the person with the benefit of the easement in gross; and
 - (iii) the transferee; and
 - (b) include or be lodged with the written consents required under section 24(1) or (2), as appropriate.
- (3) If the leasehold lot or lease over which the easement in gross was created is mortgaged and the mortgagee is in possession, the mortgagee must sign the instrument of transfer in place of the registered proprietor.

23 Instrument of amendment or extinguishment

- (1) Despite section 98(3) of the *Land Title Act 2000*, an instrument of amendment, or instrument of extinguishment, of an easement in gross in relation to a Part 4 easement in gross must:
 - (a) be validly executed by:
 - (i) subject to subsection (2), the registered proprietor of the leasehold lot or lease over which the easement in gross was created; and
 - (ii) the person with the benefit of the easement in gross; and

- (b) include or be lodged with the written consents required under section 24(3), (4) or (5), as appropriate.
- (2) If the leasehold lot or lease over which the easement in gross was created is mortgaged and the mortgagee is in possession, the mortgagee must sign the instrument of amendment, or instrument of extinguishment, in place of the registered proprietor.

24 Consents for transfer, amendment or extinguishment

- (1) For the transfer of a Part 4 easement in gross created over a leasehold lot or Crown or pastoral land under-lease, the consent of the Project Minister is required.
- (2) For the transfer of a Part 4 easement in gross created over any other type of lease, the consent of the following persons is required:
 - (a) the Project Minister;
 - (b) if, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or another law of the Commonwealth, a person is required to consent to the transfer – each person so required.
- (3) For an amendment of a Part 4 easement in gross created over a leasehold lot or a Crown or pastoral land under-lease, the consent of the following persons is required:
 - (a) each person who was required to consent to the creation of the easement in gross;
 - (b) each registered mortgagee of the easement in gross.
- (4) For an amendment of a Part 4 easement in gross created over any other type of lease (the **burdened lease**), the consent of the following persons is required:
 - (a) the Project Minister;
 - (b) each registered mortgagee of the burdened lease;
 - (c) each registered mortgagee of the lot over or in respect of which the burdened lease is registered;
 - (d) each registered mortgagee of each other lease registered over or in respect of the land that is burdened by the easement in gross, other than a lease that is derived from the burdened lease;
 - (e) each registered mortgagee of the easement in gross;

- (f) if, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or another law of the Commonwealth, a person is required to consent to the amendment – each person so required.
- (5) For the extinguishment of a Part 4 easement in gross, the consent of the following persons is required:
 - (a) the Project Minister;
 - (b) each mortgagee of the easement in gross.

25 Extinguishment and removal from land register

- (1) Without limiting section 98 or 100 of the *Land Title Act 2000*, a Part 4 easement in gross is extinguished:
 - (a) in accordance with its terms; or
 - (b) as follows:
 - (i) if it was created over a leasehold lot – when the Crown lease or pastoral lease, the recording of the grant of which created the lot, expires, is terminated or is otherwise determined;
 - (ii) otherwise – when the lease over which it was created expires, is terminated or is otherwise determined.
- (2) If the registered proprietor of a leasehold lot or lease over which a Part 4 easement in gross has been created considers that the easement has been extinguished in accordance with its terms, the registered proprietor may lodge a request for the Registrar-General to remove the easement in gross from the land register.
- (3) Without limiting any powers of the Registrar-General under the *Land Title Act 2000*, the Registrar-General may remove a Part 4 easement in gross from the land register, without notice to the person having the benefit of the easement or any other person, if:
 - (a) the easement in gross has expired; or
 - (b) the easement in gross has been extinguished as mentioned in subsection (1)(b); or
 - (c) the Registrar-General receives a request under subsection (2) and is satisfied on reasonable grounds that the easement in gross has been extinguished.

26 Consent not required from person with benefit of easement in gross

Despite anything to the contrary in any other Act, the consent of a person having the benefit of a Part 4 easement in gross is not required for the registration of any other dealings over or in respect of:

- (a) the land the subject of the leasehold lot or lease over which the easement in gross was created; or
- (b) any interest in the land mentioned in paragraph (a).

27 Form of consent

A consent required under this Division does not need to be in a particular form unless the Registrar-General requires it to be.

Division 3 Mortgages of project easements in gross

28 Project easement in gross may be mortgaged

- (1) Subject to this Division, a project easement in gross may be mortgaged by registering, under the *Land Title Act 2000*, an instrument of mortgage of the easement in gross.
- (2) The *Land Title Act 2000* applies to a mortgage of a project easement in gross as if it were a mortgage of an interest in a lot but, if there is an inconsistency between this Division and that Act, this Division prevails.
- (3) A project easement in gross cannot be mortgaged other than in accordance with subsection (1).

29 Requirements of instrument

- (1) Despite section 75 of the *Land Title Act 2000*, an instrument of mortgage of a project easement in gross must:
 - (a) be in the appropriate form; and
 - (b) specify that it is a mortgage of the easement in gross and the mortgage terms; and
 - (c) specify the mortgagor and mortgagee; and
 - (d) specify the easement in gross being mortgaged and the lot or lease over which the easement in gross was created; and
 - (e) be validly executed by the mortgagor and the mortgagee; and

- (f) include or be lodged with the written consent of:
 - (i) the Project Minister; and
 - (ii) if, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or another law of the Commonwealth, a person is required to consent to the grant of the mortgage – each person so required.
- (2) Subsection (1) does not limit the matters that the appropriate form for an instrument of mortgage of easement in gross may require to be included in the form.

30 Instrument of amendment

Despite section 10 of the *Land Title Act 2000*, an instrument of amendment of mortgage of a project easement in gross must:

- (a) be validly executed by the mortgagor and the mortgagee; and
- (b) include or be lodged with the written consent of:
 - (i) the Project Minister; and
 - (ii) if, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or another law of the Commonwealth, a person is required to consent to the amendment of the mortgage – each person so required.

31 Discharge and removal from land register when easement in gross ends

- (1) Without limiting section 83 of the *Land Title Act 2000*, a registered mortgage of a project easement in gross is discharged:
 - (a) in accordance with its terms; or
 - (b) when the easement in gross expires, is extinguished, is surrendered or is removed from the land register.
- (2) If the person having the benefit of a project easement in gross that is subject to a registered mortgage considers the mortgage has been discharged in accordance with its terms, the person may lodge a written request for the Registrar-General to remove the mortgage from the land register.

- (3) Without limiting any powers of the Registrar-General under the *Land Title Act 2000*, the Registrar-General may remove a registered mortgage of a project easement in gross from the land register, without notice to the mortgagee or any other person, if:
- (a) the mortgage is discharged as mentioned in subsection (1)(b);
or
 - (b) the Registrar-General receives a request under subsection (2) and is satisfied on reasonable grounds that the mortgage has been discharged.

32 Consent not required from mortgagee

Despite anything to the contrary in any other Act, the consent of the mortgagee of a project easement in gross is not required for the registration of other dealings over or in respect of:

- (a) the land the subject of the lease or lot over which the easement in gross was created; or
- (b) any interest in the land mentioned in paragraph (a).

33 Form of consent

A consent required under this Division does not need to be in a particular form unless the Registrar-General requires it to be.

34 Liability of mortgagee in possession under easement in gross

A mortgagee of a project easement in gross (the ***easement***) who enters into possession under the easement:

- (a) is liable under the easement to the same extent as the person with the benefit of the easement (the ***easement holder***) was liable under the easement before the mortgagee entered into possession; and
- (b) must comply with the terms of the easement as if the mortgagee were the easement holder.

35 Application of laws

- (1) The following do not apply in relation to a mortgage of a project easement in gross:
- (a) section 80 of the *Land Title Act 2000*;
 - (b) Part 7, Division 3 of the *Law of Property Act 2000*.

- (2) Subject to subsection (3), Part 7, Divisions 1, 2 and 4 of the *Law of Property Act 2000* apply to a mortgage of a project easement in gross as if it were a mortgage as defined in section 4 of that Act.
- (3) If there is an inconsistency between this Division and the *Law of Property Act 2000*, this Division prevails.

Part 5 Provisions relating to relevant leases and Crown lands

Division 1 Relevant leases

36 Disapplication of statutory provisions

- (1) The following provisions of the *Crown Lands Act 1992* do not apply in relation to a Crown lease granted for the solar project, unless the Crown lease, a declared agreement to which the lessee is a party or a declared provision of an agreement to which the lessee is a party, provides otherwise:
 - (a) sections 27(d), (f), (g) and (h), 28, 30, 33, 38, 39, 48, 49, 50, 51 and 59;
 - (b) section 83(1) to the extent it refers to re-appraisal or forfeiture;
 - (c) section 83(2)(a) and (c);
 - (d) section 84(1)(a) to the extent it refers to re-appraisal;
 - (e) section 84(1)(b);
 - (f) section 85(1) to the extent it refers to re-appraisal;
 - (g) section 85(2);
 - (h) section 86 to the extent it refers to re-appraisal;
 - (i) section 87;
 - (j) any other provision prescribed by regulation.
- (2) The following provisions of the *Law of Property Act 2000* do not apply in relation to a relevant lease, unless the relevant lease, a declared agreement to which the lessee is a party or a declared provision of an agreement to which the lessee is a party, provides otherwise:
 - (a) sections 134 and 139;

- (b) any other provision prescribed by regulation.
- (3) The following provisions of the *Business Tenancies (Fair Dealings) Act 2003* do not apply in relation to a relevant lease, unless the relevant lease, a declared agreement to which the lessee is a party or declared provision of an agreement to which the lessee is a party, provides otherwise:
 - (a) the provisions of Part 13, Division 2;
 - (b) any other provision prescribed by regulation.
- (4) In this section:

lessee, in relation to a Crown lease or relevant lease, means the lessee under the Crown lease or relevant lease.

37 Application of statutory provisions

Despite section 136 of the *Law of Property Act 2000*, sections 137, 138 and 140 of that Act apply in relation to each Crown lease granted for the solar project subject to section 38 and any modifications prescribed by regulation.

38 Relief against forfeiture of relevant leases

- (1) If a relevant lease is terminated as a consequence of the termination or operation of an agreement:
 - (a) sections 137 and 138 of the *Law of Property Act 2000* do not apply in relation to the relevant lease; and
 - (b) relief against forfeiture of the relevant lease under any other law of the Territory is not available.
- (2) In this section:

agreement means a lease or other agreement in relation to the solar project, whether or not it is a declared agreement.

Division 2 Crown lands matters

39 Crown Lands Minister's power to enter into certain agreements

- (1) To avoid doubt, the Crown Lands Minister may, in granting the project tenure, grant a lease, licence, easement, easement in gross or other right over Crown lands for the solar project on terms that include the right of either the Territory or a project participant:
 - (a) to extend the term of the lease, licence, easement, easement in gross or other right; or
 - (b) to renew the lease, licence, easement, easement in gross or other right for a further term.
- (2) To avoid doubt, the Crown Lands Minister may enter into an agreement that includes an option exercisable by either the Territory or a project participant for the grant of a lease, licence, easement, easement in gross or other right over Crown lands for the solar project.

40 Power to enter into agreement about rent, termination or forfeiture

- (1) The Territory, Crown Lands Minister or Project Minister may enter into an agreement that provides for:
 - (a) the determination, payment or re-appraisal of rent in respect of tenure over Crown lands for the solar project; or
 - (b) the termination or forfeiture of any agreement.
- (2) Subsection (1) applies despite any provision of the *Crown Lands Act 1992* relating to the determination, payment or re-appraisal of rent or the termination or forfeiture of Crown leases or any other law of the Territory to the contrary.
- (3) In this section:

agreement means a lease, licence, easement, easement in gross or other agreement in respect of tenure over Crown lands for the solar project.

41 Disapplication of statutory provision in relation to project licence

- (1) Section 61(4) of the *Crown Lands Act 1992* does not apply in relation to a project licence.

- (2) The Crown Lands Minister must not grant a lease or an estate in fee simple of land affected by a project licence unless the grantee has offered the licensee under the project licence a licence that:
- (a) is of the same nature and for the same benefit as the project licence; and
 - (b) will commence on the grant of the lease or estate in fee simple.
- (3) In this section:

project licence means a licence granted under the *Crown Lands Act 1992* for the solar project.

Part 6 Other land and infrastructure matters

Division 1 Roads and waterways

42 Construction on or across road

- (1) A project participant may, in accordance with the written approval of the Transport Minister, construct, operate and maintain project infrastructure on or across a road.
- (2) A project participant may apply to the Transport Minister for an approval mentioned in subsection (1).
- (3) The Transport Minister may give an approval and any such approval is subject to:
- (a) unless the approval specifies otherwise – a condition that a project participant must not prevent, restrict or interfere with the passage of vehicles on the road; and
 - (b) the conditions the Minister considers appropriate and specifies in the approval or otherwise notifies to the approval holder.
- (4) Without limiting subsection (3)(b), the conditions of an approval may include conditions:
- (a) requiring the installation, maintenance and operation of safety devices; or
 - (b) requiring the reconstruction and maintenance of the road in the vicinity of the relevant project infrastructure; or
 - (c) relating to the transfer of the approval.

- (5) The construction, operation and maintenance of project infrastructure on or across a road (the **works**) by a project participant is taken to be permitted under the *Control of Roads Act 1953* if:
- (a) an approval for the works has been given under subsection (3); and
 - (b) the conditions of the approval are complied with.
- (6) Subject to subsection (7), any project infrastructure constructed on or across a road does not merge with the road or vest in or belong to the Territory or a local government council, despite section 7 of the *Control of Roads Act 1953* and section 271(5) of the *Local Government Act 2019*.
- (7) Subsection (6) does not apply to the extent a declared agreement or declared provision provides otherwise.

43 Interference with waterway or erection of structure in Northern Territory waters

- (1) A project participant must not do any of the following without the approval of the Water Minister:
- (a) interfere with a waterway;
 - (b) prevent, restrict or interfere with the passage of vessels on a waterway;
 - (c) erect, or cause to be erected, below the high water mark of any Northern Territory waters any jetty, wharf, pontoon (whether or not attached to the shore), mooring or structure, whether temporary or permanent;
 - (d) moor, anchor or otherwise fasten a floating structure or mooring buoy to the sea floor, a lake or riverbed or the shore of any Northern Territory waters.
- (2) A project participant may apply to the Water Minister for approval to take an action mentioned in subsection (1).
- (3) The Water Minister may give an approval subject to the conditions the Water Minister considers appropriate and specifies in the approval or otherwise notifies to the approval holder.
- (4) Without limiting subsection (3), the conditions of an approval may include conditions relating to the transfer of the approval.

- (5) An action mentioned in subsection (1)(a) or (b) taken by a project participant is taken to be permitted under the *Water Act 1992* if:
- (a) approval for the action has been given under subsection (3); and
 - (b) the conditions of the approval are complied with.
- (6) An action mentioned in subsection (1)(c) or (d) taken by a project participant is taken to be done with the approval of the Director under the *Marine Act 1981* if:
- (a) approval for the action has been given under subsection (3); and
 - (b) the conditions of the approval are complied with.
- (7) In this section:

interfere with a waterway, see section 4(1) of the *Water Act 1992*.

Northern Territory waters, see section 7(1) of the *Marine Act 1981*.

waterway means any of the following:

- (a) a waterway as defined in section 4(1) of the *Water Act 1992*;
- (b) the beds and banks of a waterway mentioned in paragraph (a);
- (c) the sea and the seabed.

44 Compliance with conditions of approval

- (1) Each project participant must comply with each condition of an approval given under section 42(3) or 43(3).
- (2) If a project participant fails to comply with a condition of an approval:
- (a) the Territory may take the action necessary to give effect to the condition; and
 - (b) the reasonable costs and expenses incurred by the Territory in taking that action are recoverable as a debt due to the Territory from the project participant or the approval holder.

- (3) On application by the Territory, the Transport Minister, the Water Minister or any other person with a proper interest, the Supreme Court may:
- (a) grant an injunction (including a mandatory injunction) to enforce compliance with subsection (1); or
 - (b) award damages against a project participant for non-compliance with subsection (1).
- (4) This section does not prevent action being taken under the *Control of Roads Act 1953*, *Water Act 1992* or *Marine Act 1981*, or limit the remedies that a court may grant, if a project participant fails to comply with a condition of an approval given under section 42(3) or 43(3).

Division 2 Application of Building Act 1993 and Planning Act 1999

45 Application of *Building Act 1993*

To avoid doubt, subject to section 47, the *Building Act 1993* applies in relation to any project infrastructure that is a building within a Building Area for the purposes of the *Building Act 1993*.

46 Certain easements and licences do not constitute subdivision

- (1) For the purposes of the *Planning Act 1999*, neither of the following constitute a subdivision, as defined in section 5 of that Act:
- (a) the creation of a transmission easement;
 - (b) the grant of a transmission licence.
- (2) In this section:

Territory entity means the Territory, the Crown Lands Minister, the Pastoral Lands Minister or the Project Minister.

transmission easement means an easement or easement in gross that is granted by, or with the consent of, a Territory entity for the purposes of electricity transmission infrastructure for the solar project.

transmission licence means a licence that is granted by, or with the consent of, a Territory entity for the purposes of electricity transmission infrastructure for the solar project.

47 Certain restrictions not to apply to electricity transmission infrastructure

- (1) Despite anything to the contrary in a building or planning provision, electricity transmission infrastructure for the solar project is not required to be set back from, and may be constructed across, the following:
 - (a) a lot boundary that is within the railway corridor;
 - (b) a common boundary shared by 2 exempt lots;
 - (c) a common boundary shared by an exempt lot and the railway corridor.
- (2) The Project Minister may, by *Gazette* notice, determine that a lot is an exempt lot for this section.
- (3) In this section:

building or planning provision means a provision of the *Building Act 1993* or *Planning Act 1999*, or of a statutory instrument made under either of those Acts, that relates to:

- (a) the siting of buildings; or
- (b) buildings constructed across lot boundaries.

exempt lot means a lot that is determined to be an exempt lot for this section under subsection (2).

48 Planning Minister is consent authority

- (1) Despite section 4 of the *Planning Act 1999*, the Planning Minister is the consent authority in relation to any development, on land other than pastoral land, that is proposed for a purpose connected with the construction, operation or maintenance of any of the following:
 - (a) the infrastructure mentioned in section 3, definition ***solar project***, paragraphs (a) to (e);
 - (b) all infrastructure ancillary to the construction of the infrastructure mentioned in paragraph (a);
 - (c) any other infrastructure required for the solar project that is designated, in a declared agreement or declared provision, to be electricity infrastructure for this subsection.

Examples of development for subsection (1)

The subdivision of land or clearing of native vegetation.

(2) Despite Part 9, Division 1 of the *Planning Act 1999*, NTCAT has no jurisdiction to review a determination of the Planning Minister as the consent authority in relation to a matter mentioned in subsection (1).

(3) In this section:

development, see section 3(1) of the *Planning Act 1999*.

Planning Minister means the Minister administering the *Planning Act 1999*.

49 Use and development of land in railway corridor for project infrastructure

(1) The NT Planning Scheme and section 8(3) and (4) of the *AustralAsia Railway (Special Provisions) Act 1999* are taken to allow:

(a) subject to paragraph (c), the use and development of zoned land within the railway corridor for the purposes of construction, operation and maintenance of project infrastructure only with the consent of the consent authority; and

(b) the use and development of unzoned land within the railway corridor for the purposes of construction, operation and maintenance of project infrastructure without the consent of the consent authority; and

(c) the clearing of native vegetation on zoned or unzoned land within the railway corridor for the purposes of construction, operation and maintenance of project infrastructure without the consent of the consent authority.

Note for subsection (1)

Section 8(2) of the AustralAsia Railway (Special Provisions) Act 1999 provides that the Minister for the time being administering the Planning Act 1999 is the consent authority for the railway corridor.

(2) Despite section 8(5) of the *AustralAsia Railway (Special Provisions) Act 1999*, Part 5, Division 2 of the *Planning Act 1999* applies in relation to a development application made under that Act in respect of project infrastructure.

(3) Subsection (1) prevails over any provision to the contrary in the NT Planning Scheme, the *Planning Act 1999* or the *AustralAsia Railway (Special Provisions) Act 1999*, whether the provision was in force before or after the commencement of this section.

(4) In this section:

NT Planning Scheme means the Northern Territory Planning Scheme referred to in section 7 of the *Planning Act 1999*.

planning scheme, see section 3(1) of the *Planning Act 1999*.

unzoned land means land that is not zoned under a planning scheme.

zoned land means land that is zoned under a planning scheme.

Division 3 Extractive minerals

50 Extraction of extractive minerals

(1) To avoid doubt, a project participant does not commit an offence against section 148(1) of the *Mineral Titles Act 2010* if the project participant extracts extractive minerals without an extractive mineral permit if the extraction is incidental to construction of the project infrastructure and not for the sale of the extractive minerals as contemplated by section 50(3) of that Act.

(2) In this section:

extractive mineral, see section 10 of the *Mineral Titles Act 2010*.

extractive mineral permit, see section 50(1) of the *Mineral Titles Act 2010*.

Division 4 Sacred sites

51 Interpretation

(1) In this Division:

Sacred Sites Act means the *Northern Territory Aboriginal Sacred Sites Act 1989*.

(2) If a word used in this Division is defined in section 3 or 19A of the Sacred Sites Act, the word has the same meaning in this Division as it has in the Sacred Sites Act.

52 Consultation period

The 60 day period referred to in section 19F of the Sacred Sites Act does not apply in relation to a standard application or non-standard application made by a project participant for the solar project.

53 Authority Certificate applies to each project participant

An Authority Certificate that authorises a use of land, or work on land, that relates to the solar project is taken to authorise each project participant to take the same action subject to the same conditions on the land the subject of the Certificate as the project participant to whom the Certificate was issued.

54 Amalgamation of Authority Certificates

- (1) Subject to subsection (2), the Authority may:
 - (a) revoke 2 or more Authority Certificates issued to a project participant that authorise a use of land, or work on land, in relation to the solar project; and
 - (b) issue to the project participant a single Authority Certificate in place of the revoked Certificates as if the requirements of the Sacred Sites Act relating to revoking and issuing the Certificates had been complied with.
- (2) An Authority Certificate issued under subsection (1)(b):
 - (a) must be issued:
 - (i) in respect of the same land in respect of which the revoked Authority Certificates were issued; and
 - (ii) on conditions that are consistent with the conditions of the revoked Authority Certificates; and
 - (b) is subject to the Sacred Sites Act.

55 Failure to comply with conditions of Authority Certificate

- (1) If a project participant fails to comply with a condition of an Authority Certificate:
 - (a) the Territory may take the action necessary to give effect to the condition; and
 - (b) the reasonable costs and expenses incurred by the Territory in taking that action are recoverable as a debt due to the Territory from the project participant.

- (2) The Supreme Court may, on application by the Territory, the Authority or any other person with a proper interest:
 - (a) grant an injunction (including a mandatory injunction) to enforce compliance by a project participant with the conditions of an Authority Certificate; or
 - (b) award damages against a project participant for non-compliance with a condition of an Authority Certificate.
- (3) This section does not prevent action being taken under the Sacred Sites Act, or limit the remedies that a court may grant, if a project participant fails to comply with a condition of an Authority Certificate.

Part 7 Miscellaneous matters

56 Specific performance of Agreement

Despite any law of the Territory, an order for specific performance may be made and enforced against the Territory in relation to its obligations under the following in the same circumstances and on the same conditions as an order for specific performance could be made and enforced against an individual:

- (a) any provision of the Agreement that restrains the Territory or Crown Lands Minister from dealing with Crown lands in a particular way;
- (b) any provision of the Agreement that requires the Crown Lands Minister or Pastoral Land Minister to grant, or consent to the grant of, project tenure.

57 Acquisition on just terms

If the operation of this Act would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

58 Compensation not payable

- (1) Compensation is not payable by or on behalf of the Crown, the Railway Corporation or an officer, employee or agent of the Crown or the Railway Corporation:
- (a) because of the enactment, commencement or operation of this Act or the making, commencement or operation of any statutory instrument made under this Act; or
 - (b) for any consequence of that enactment, making, commencement or operation; or
 - (c) for any statement or conduct relating to that enactment or making.

Examples of statutory instruments for subsection (1)(a)

- 1 A consent given by an appropriate Minister under section 14.
- 2 A regulation made under section 63 or 64.

- (2) Subsection (1) does not extend to compensation payable under section 57 or a declared agreement or declared provision.

- (3) In this section:

compensation includes damages and any other form of monetary compensation.

conduct includes any act or omission, whether unconscionable, misleading, deceptive or otherwise.

Crown, see section 4 of the *Crown Proceedings Act 1993*.

statement includes a representation of any kind:

- (a) whether made orally or in writing; and
- (b) whether negligent, false, misleading or otherwise.

59 Declared agreements and declared provisions

- (1) The parties to a Territory agreement may agree in writing that:
- (a) the Territory agreement is a declared agreement; or
 - (b) a provision of the Territory agreement that deals with any of the matters mentioned in section 60(1) is a declared provision.

- (2) The parties to a third party agreement may agree in writing with the Territory or a minister that:
- (a) the third party agreement is a declared agreement; or
 - (b) a provision of the third party agreement that deals with any of the matters mentioned in section 60(1) is a declared provision.

- (3) In this section:

Territory agreement means an agreement for or in relation to the solar project made between the Territory or a minister and a project participant, whether or not:

- (a) there are any other parties to the agreement; or
- (b) the agreement relates to land tenure.

third party agreement means an agreement for or in relation to the solar project made between a project participant and any other person or persons, other than the Territory or a minister, whether or not the agreement relates to land tenure.

60 Effect of provisions of declared agreements and declared provisions

- (1) A provision of a declared agreement that deals with any of the following matters has effect as if it were a provision of this Act, despite anything to the contrary in any law:
- (a) the payment of any amount or other benefits, and the retention of those amounts or benefits, by a party to the agreement or the Territory;
 - (b) the circumstances or conditions under which the agreement may be terminated by a party to it;
 - (c) the continuation of the agreement, including any obligation to pay fees, consideration or other amounts or provide benefits, despite unintended or unforeseen circumstances arising;
 - (d) the amounts payable and the rights and obligations of the parties to the agreement, in the event of a breach or termination of the agreement;
 - (e) the non-refundability in any circumstances (including the termination of the agreement) of any amount paid on account of rent, licence fee, premium, option fee, outgoings, security deposit or otherwise;

- (f) the entitlement to, or the retention or application of, security;
- (g) the payment of a sum that is in the nature of a penalty;
- (h) the ownership of, or the vesting or forfeiture of ownership of, any real or personal property:
 - (i) on termination of the agreement; or
 - (ii) on the occurrence of some other specified event or other thing;
- (i) the liability of a project participant, the Territory or the Railway Corporation;
- (j) the operation of any set-off;
- (k) any right of a party to seek, or prohibition on a party from seeking, an order of specific performance;
- (l) any right of a party to seek, or prohibition on a party from seeking, an injunction.
- (m) the application of a provision mentioned in section 36(1) to a Crown lease or a provision mentioned in section 36(2) or (3) to a relevant lease;
- (n) an agreement that project infrastructure does not merge with the land to which it is affixed and can be dealt with and disposed of as personal property or an agreement that project infrastructure merges with the land to which it is affixed and cannot be dealt with and disposed of as personal property;
- (o) the designation of infrastructure as electricity infrastructure for section 48(1).

Example of a circumstance for subsection (1)(c)

Any circumstance that would otherwise result in any obligations under the agreement being incapable of performance or not being required to be performed.

- (2) A declared provision of an agreement has effect as if it were a provision of this Act, despite anything to the contrary in any law.

61 Delegation

- (1) The Project Minister may delegate any of the Project Minister's powers or functions under this Act to another minister.

- (2) The Project Minister may delegate any of the Project Minister's powers or functions under section 21, 24, 29 or 30 to a public sector employee.
- (3) A minister, other than the Project Minister, may delegate any of the minister's powers and functions under this Act to a public sector employee.

62 Directions

- (1) A direction made under section 8 takes effect at the beginning of the day on which it is made or at any later time specified in the direction.
- (2) A document purporting to be a direction made under section 8 is, unless the contrary is established, taken to be such a direction and to have been properly made.
- (3) A certificate purporting to be signed by the Project Minister or a person prescribed by regulation certifying that a direction mentioned in the certificate is a direction made under section 8 is admissible in evidence in any legal proceedings and is evidence of the matters certified.

63 Regulations

- (1) The Administrator may make regulations under this Act.

Note for subsection (1)

See section 65 of the Interpretation Act 1978.

- (2) Regulations may facilitate:
 - (a) the implementation of the Agreement; and
 - (b) the discharge of the Territory's obligations under the Agreement; and
 - (c) the grant, or consent to the grant, of the project tenure.

64 Amendment or modification of Acts by regulation

- (1) Without limiting section 63, the Administrator may make a regulation that amends, or modifies the operation of, this Act (other than this section) or another Act to facilitate:
 - (a) the implementation of the Agreement; or
 - (b) the discharge of the Territory's obligations under the Agreement; or

- (c) the grant, or consent to the grant, of the project tenure.
- (2) A regulation made under subsection (1):
 - (a) may be expressed to have taken effect on a day earlier than the day on which it is made, but not earlier than the commencement of this section; and
 - (b) may only be made within 2 years after the commencement of this section; and
 - (c) must declare that it is made under this section.
- (3) Despite subsections (1) and (2), 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.

Part 8 Consequential amendments

Division 1 AustralAsia Railway Corporation Act 1996

65 Act amended

This Division amends the *AustralAsia Railway Corporation Act 1996*.

66 Section 17 amended (Functions of Corporation)

- (1) Section 17
 - omit*
 - are:
 - insert*
 - are as follows:
- (2) Section 17(s)
 - omit*
 - Project; and
 - insert*
 - Project;

(3) Section 17(t)

omit

assets.

insert

assets;

(4) After section 17(t)

insert

(u) to facilitate access to and use of the corridor as required for the solar project as defined in section 3 of the *Solar Project (Australia-Asia Power Link) (Special Provisions) Act 2022*;

(v) to negotiate and enter into agreements to facilitate other projects or arrangements in relation to the corridor.

67 Section 18 amended (Powers of Corporation)

(1) Section 18(2)

omit

may:

insert

may do any of the following:

(2) Section 18(2)(a)

omit, insert

(a) negotiate and enter into contracts and agreements;

(3) After section 18(2)(b)

insert

(ba) grant easements, including easements in gross;

(4) After section 18(2)(m)

insert

(ma) accept payments;

(5) Section 18(2)(q)

omit

notes; and

insert

notes;

68 Section 33B inserted

After section 33A

insert

33B Validation of grant of easement

The grant or purported grant of an easement by the Corporation, before the commencement of this section, is declared to be, and to always have been, a valid exercise of power by the Corporation.

Division 2 AustralAsia Railway (Special Provisions) Act 1999

69 Act amended

This Division amends the *AustralAsia Railway (Special Provisions) Act 1999*.

70 Section 8 amended (Development provisions for corridor)

Section 8, at the end

insert

Note for section 8

The operation of this section is modified by section 49 of the Solar Project (Australia-Asia Power Link) (Special Provisions) Act 2022.

Division 3 Repeal of Part

71 Repeal of Part

This Part is repealed on the day after it commences.