

Serial 119  
Bonaparte Gas Pipeline (Special Provisions) Bill 2007  
Ms Martin

A Bill for an Act to make special provision for the Bonaparte Gas Pipeline  
Project

NORTHERN TERRITORY OF AUSTRALIA

BONAPARTE GAS PIPELINE (SPECIAL PROVISIONS) ACT 2007

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Act No. [ ] of 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2007

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An Act to make special provision for the Bonaparte Gas Pipeline Project

[Assented to [ ] 2007]  
[Second reading [ ] 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Bonaparte Gas Pipeline (Special Provisions) Act 2007*.

### 2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

### 3 Definitions

***custodian***, see the *Northern Territory Sacred Sites Act*.

***Lands Minister*** means the Minister responsible for administering the *Pastoral Land Act*.

***pastoral land***, see the *Pastoral Land Act*.

***pastoral lease***, see the *Pastoral Land Act*.

**Pipeline** means the Bonaparte Gas Pipeline i.e. the pipeline (or proposed pipeline) between Wadeye and the Amadeus to Darwin Gas Pipeline and includes all associated infrastructure and equipment.

*Note*

*In the above definition, pipeline has the same meaning as in the Energy Pipelines Act.*

**Pipeline licensee** means the licensee for the Pipeline under the *Energy Pipelines Act*.

**Project** means the project for constructing and operating the Pipeline.

**project participant** means a person or persons for the time being responsible for the Project or any part or aspect of the Project and includes:

- (a) a subsidiary of a project participant that participates in the Project; or
- (b) a contractor or other person acting on behalf a project participant.

**road**, see the *Control of Roads Act*.

**sacred sites certificate** means a certificate granted under section 22 of the *Northern Territory Aboriginal Sacred Sites Act* (described in that Act as an *Authority Certificate*).

**Transport Minister** means the Minister responsible for the administration of the *Control of Roads Act* (except Part IV).

**Water Minister** means the Minister responsible for the administration of the *Water Act*.

**waterway**, see the *Water Act*.

#### **4 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.

## **Part 2                    Roads and waterways**

### **5                    Road crossing**

- (1) The Pipeline licensee may, with the Transport Minister's written approval, construct and operate the Pipeline across a road.
- (2) The approval may be given on conditions the Transport Minister considers appropriate.
- (3) The conditions may (for example):
  - (a) require the installation, maintenance and operation of safety devices; and
  - (b) require the re-construction and maintenance of the road above and to either side of the crossing.

### **6                    Waterway crossing**

- (1) The Pipeline licensee may, with the Water Minister's written approval, construct and operate the Pipeline across a waterway.
- (2) The approval is subject to the following conditions:
  - (a) a condition that, except as allowed by the conditions of the approval, a project participant must not:
    - (i) prevent, restrict or interfere with the passage of vessels on the waterway; or
    - (ii) divert or use water in the waterway; or
    - (iii) obstruct the flow of water in the waterway;
  - (b) further conditions, determined by the Water Minister, and stated in the instrument of approval or notified to the Pipeline licensee by the Water Minister.
- (3) This section operates subject to any requirement under a law of the Commonwealth that must be satisfied before the Territory may grant rights that it confers.

### **7                    Compliance with conditions of crossing**

- (1) The Pipeline licensee must ensure that the conditions of an approval under this Part are complied with.
- (2) The Territory may take action to ensure compliance, or to remedy non-compliance, with this section and recover the costs of doing so from the Pipeline licensee.

- (3) The Supreme Court may, on application by the Minister or any other person with a proper interest:
  - (a) grant an injunction (including a mandatory injunction) to enforce compliance with this section; or
  - (b) award damages against the Pipeline licensee for non-compliance with this section.

### **Part 3 Sacred sites**

#### **8 Work or use of land in proximity to sacred sites**

- (1) A sacred sites certificate obtained on the application of a project participant (including one obtained before the commencement of this Act) operates in favour of another project participant who carries out work, or uses land, as contemplated in the certificate.
- (2) The other project participant is bound by:
  - (a) the conditions of the certificate; and
  - (b) if an agreement was reached between the custodians and the applicant – the terms and conditions of the agreement.

### **Part 4 Easement in gross over pastoral land**

#### **9 Easement in gross over pastoral land**

- (1) An easement in gross over pastoral land may be created in favour of the Pipeline licensee, or a project participant nominated by the Pipeline licensee, by agreement.
- (2) The agreement:
  - (a) is to be made between:
    - (i) the Pipeline licensee or the nominated project participant; and
    - (ii) the pastoral lessee; and
  - (b) requires the consent of the Lands Minister.
- (3) An easement in gross created under this section is taken to be an easement granted under the *Law of Property Act*.
- (4) An easement in gross created under this section may only be varied or extinguished by agreement between the parties by which

it was created (or their successors).

## **Part 5                    Extractive minerals**

### **10                    Special provisions for grant of extractive mineral lease or permit**

- (1) The Minister may, if satisfied that the relevant consents have been obtained, grant an extractive mineral lease or an extractive mineral permit under Part VIII of the *Mining Act* to a project participant.
- (2) The relevant consents are:
  - (a) the consents of the owner and the occupier of the land in relation to which the lease or permit is sought; and
  - (b) any consent required under the *Native Title Act 1993* (Cth) or, if the land is Aboriginal land, the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth); and
  - (c) if the land is subject to an exploration licence or a mining tenement the consent of the holder of the exploration licence or mining tenement.
- (3) The extractive mineral lease or extractive mineral permit must be consistent with the terms and conditions of the relevant consents.
- (4) The following provisions of the *Mining Act* do not apply to an application for an extractive mineral lease or an extractive mineral permit to which this section applies:
  - (a) the provisions requiring notification of, and allowing for objections against, the application;
  - (b) the provisions providing for Ministerial approval for the submission of certain applications;
  - (c) section 111(1A) and (1)(b);
  - (d) any other provisions excluded by regulation.
- (5) This section does not prevent a project participant from applying for, or the Minister from granting to a project participant, an extractive mineral lease or an extractive mineral permit apart from this section.

**Part 6**                    **Miscellaneous****11**                    **Non-application of *Planning Act***

The creation of an interest in, or in respect of, land for purposes related to the construction or operation of the Pipeline, does not constitute a subdivision of land for the purposes of the *Planning Act*.

**12**                    **Regulations**

The Administrator may make regulations under this Act.