

NORTHERN TERRITORY OF AUSTRALIA
ENERGY PIPELINES AMENDMENT REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1998, No. 45*

Regulations under the
Energy Pipelines Amendment Act 1998

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Energy Pipelines Amendment Act 1998*.

Dated 1 October 1998.

N R CONN
Administrator

ENERGY PIPELINES AMENDMENT REGULATIONS

1. CITATION

These Regulations may be cited as the *Energy Pipelines Amendment Regulations*.

2. COMMENCEMENT

These Regulations come into operation on the day on which, but immediately after, the *Energy Pipelines Amendment Act* commences.

3. PRINCIPAL ACT

The *Energy Pipelines Act* is in these Regulations referred to as the Principal Act.

4. INTERPRETATION

Section 3 of the Principal Act is amended -

- (a) by omitting from subsection (1) the definition of "affected land or waters" and substituting the following:

"'affected land or waters' means -

* Notified in the *Northern Territory Government Gazette* on 1 October 1998.

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- (a) the land or waters specified in an application for a permit or licence or over which a permit or licence is granted; or
 - (b) the land adjoining or surrounding such waters;"; and
- (b) by omitting from subsection (1) the definitions of "prescribed pipeline act" and "pipeline interest".

5. NOTICE OF APPLICATION

Section 6 of the Principal Act is amended by omitting paragraph (b) and substituting the following:

- "(b) on each owner and on each occupier of land specified in the application, including -
- (i) the registered native title claimants (if any) in relation to any affected land or waters; and
 - (ii) the registered native title bodies corporate (if any) in relation to any affected land or waters;
- (ba) on the representative Aboriginal/Torres Strait Islander bodies (if any) in relation to any affected land or waters;
- (bb) on any person who holds a right of way or other easement over any of the land specified in the application; and".

6. GRANT OF PERMIT

Section 8 of the Principal Act is amended -

- (a) by omitting from subsection (1) "council or person" and substituting "council, person or body";
- (b) by omitting from subsection (2) all the words from and including "The Minister" to and including "unnecessarily with -" and substituting the following:

"In considering an application for a permit, the Minister must have regard to -

- (a) whether the carrying on of survey works on the land specified in the application would

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interfere or be likely to interfere unnecessarily with -";

- (c) by renumbering subsection (2)(a) and (b) as subsection (2)(a)(i) and (ii), respectively;
- (d) by omitting from subsection (2)(c) "(c)" and "land." and substituting "(iii)" and "land; and", respectively; and
- (e) by adding at the end the following:
 - "(b) the effect that the grant of the permit would have or be likely to have on registered native title rights and interests."

7. TERMS AND CONDITIONS OF PERMIT

Section 9 of the Principal Act is amended by omitting from subsection (1)(c) "permit." and substituting "permit, which may include a condition for the purpose of minimising the impact of the grant of the permit on registered native title rights and interests in relation to any affected land or waters."

8. APPLICATION FOR LICENCE

Section 13 of the Principal Act is amended -

- (a) by omitting from subsection (4)(a) "situated; and" and substituting "situated;"; and
- (b) by omitting subsection (4)(b) and substituting the following:
 - "(b) each owner and occupier of land specified in the application, including -
 - (i) the registered native title claimants (if any) in relation to any affected land or waters; and
 - (ii) the registered native title bodies corporate (if any) in relation to any affected land or waters; and
 - (ba) the representative Aboriginal/Torres Strait Islander bodies (if any) in relation to any affected land or waters,".

9. GRANT OF LICENCE

Section 15 of the Principal Act is amended -

- (a) by omitting from subsection (2)(c) "and";

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- (b) by omitting from subsection (2)(d) "application." and substituting "application; and"; and
- (c) by adding at the end of subsection (2) the following:

"(e) the effect that the grant of the licence would have or be likely to have on registered native title rights and interests."

10. CONDITIONS OF LICENCE

Section 17 of the Principal Act is amended -

- (a) by omitting from subsection (2)(b) "licence; and" and substituting "licence;";
- (b) by omitting from subsection (2)(c) "licensee." and substituting "licensee; and"; and
- (c) by adding at the end of subsection (2) the following:

"(d) take the measures specified in the licence for the purpose of minimising the impact of the grant of the licence on registered native title rights and interests."

11. APPLICATION TO VARY ROUTE AND LICENCE

Section 21B of the Principal Act is amended -

- (a) by omitting subsection (2)(b) and substituting the following:

"(b) each owner and occupier of land specified in the application, including -

 - (i) the registered native title claimants (if any) in relation to any affected land or waters; and
 - (ii) the registered native title bodies corporate (if any) in relation to any affected land or waters;
- (ba) the representative Aboriginal/Torres Strait Islander bodies (if any) in relation to any affected land or waters;"; and
- (b) by omitting subsection (4).

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12. EASEMENTS OVER CROWN LANDS

Section 22 of the Principal Act is amended by omitting "Despite anything in this Act (other than Part IVA)" and substituting "Subject to the Native Title Act but despite anything in this Act".

13. REPEAL

Part IVA of the Principal Act is repealed.

14. PIPELINE TO REMAIN PROPERTY OF OWNER

Section 59 of the Principal Act is amended -

- (a) by omitting "(1) Notwithstanding" and substituting "Despite"; and
- (b) by omitting subsection (2).

15. REPEAL AND SUBSTITUTION

Section 67B of the Principal Act is repealed and the following substituted:

"67B. COMPENSATION

"(1) Compensation is payable by the holder of a permit or licence to -

- (a) the native title holder in respect of any affected land or waters for the effect of the grant, extension or renewal of the permit or licence (as the case may be) on the holder's registered native title rights and interests; and
- (b) the other owners and occupiers of land over which the permit or licence is granted in respect of the permit or licence, as the case may be.

"(2) Subject to subsection (3), a claim for compensation payable under subsection (1) that is not made within 3 years after the doing of the activity giving rise to the claim is, by virtue of this section, statute barred.

"(3) A native title holder or registered native title claimant who intends to claim compensation under this section for the effect of the grant, extension or renewal of a permit or licence on their registered native title rights and interests must make the claim within 3 years after the grant, extension or renewal of the permit or licence, as the case may be.

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"(4) In the absence of agreement, compensation is not payable to a registered native title claimant unless and until the native title claimed by the claimant is determined to exist.

"(5) In the event of a dispute about compensation payable under subsection (1), the holder of the permit or licence or the native title holder or other owner or occupier may refer the dispute to the Tribunal."
