

LEGISLATIVE COUNCIL

Mining and Petroleum Legislation Amendment (Land Access Arbitration) Bill 2015

First print

Proposed amendments

- No. 1 **Transitional provision relating to the definition of “significant improvement”**
Page 13, Schedule 1 [26], lines 27–38. Omit all words on those lines. Insert instead:

Application of amendment relating to the definition of “significant improvement”

- (1) The substitution of the definition of *significant improvement* in the Dictionary to the Act by the 2015 amending Act does not apply in relation to proceedings in the Land and Environment Court (whether commenced before or after the commencement of this clause) relating to:
 - (a) a dispute regarding the operation of section 31, 49, 62 or 188 of the Act that arose before the commencement of this clause, or
 - (b) a dispute concerning an access arrangement for which notice had been given under section 143 before the commencement of this clause.
- (2) Without limiting subclause (1), the substitution of the definition of *significant improvement* in the Dictionary to the Act by the 2015 amending Act does not apply in relation to:
 - (a) any thing determined by the Land and Environment Court to be a significant improvement in proceedings that were commenced, but not finally determined, before the commencement of this clause, or
 - (b) any determination of the Land and Environment Court in relation to the operation of section 31, 49, 62 or 188 of the Act in proceedings that were commenced, but not finally determined, before the commencement of this clause.

- No. 2 **Transitional provision relating to the definition of “significant improvement”**
Page 27, Schedule 2 [40], lines 32–43. Omit all words on those lines. Insert instead:

Application of amendments relating to the definition of “significant improvement”

- (1) The insertion of the definition of *significant improvement* into section 72, and the other amendments to that section, by the 2015 amending Act do not apply in relation to proceedings in the Land and Environment Court (whether commenced before or after the commencement of this clause) relating to:

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- (a) a dispute regarding the operation of that section that arose before the commencement of this clause, or
 - (b) a dispute concerning an access arrangement for which notice had been given under section 69F before the commencement of this clause.
 - (2) Without limiting subclause (1), the insertion of the definition of ***significant improvement*** into section 72, and the other amendments to that section, by the 2015 amending Act does not apply in relation to:
 - (a) any thing determined by the Land and Environment Court to be a significant improvement in proceedings that were commenced, but not finally determined, before the commencement of this clause, or
 - (b) any determination of the Land and Environment Court in relation to the operation of section 72 in proceedings that were commenced, but not finally determined, before the commencement of this clause.