

First print



New South Wales

Eastern Gas Pipeline (Special Provisions) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to facilitate the construction and operation of a portion of a proposed natural gas pipeline (the *Eastern Gas pipeline*), to be constructed between Longford, Victoria and Wilton, New South Wales, located on or under land currently contained in the Morton National Park, to realign certain land in the National Park and the Wilderness Area to reflect the actual boundary of a road and to provide a defence to certain offences under the *National Parks and Wildlife Act 1974* in relation to the pipeline's construction and operation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 revokes the reservation of certain land as part of the Morton National Park. A reservation of land as a national park may only be revoked by an Act of Parliament. Currently the land is used as part of the Braidwood to Nowra road and is also proposed to be used for the purposes of the Eastern Gas pipeline. The land should have been excluded by the existing reservation of the lands from the National Park for the purposes of the road. However, the road was not built entirely on the land so reserved. The effect of the revocation of the reservation is that the land will become available for use for the purposes of the pipeline, in accordance with the *Pipelines Act 1967*.

Clause 5 adds to the Morton National Park land reserved for the purposes of the Braidwood to Nowra road but not used for the purposes of the road.

Clause 6 varies the declaration of certain land as part of the Ettrema Wilderness Area. The purpose of the variation is to clarify that the area does not include land used as part of the Braidwood to Nowra road and also proposed to be used for the purposes of the Eastern Gas pipeline.

Clause 7 prevents compensation or consideration being paid in respect of land added to the Morton National Park or the Ettrema Wilderness Area by the proposed Act.

Clause 8 enables the Minister administering the *National Parks and Wildlife Act 1974* to grant easements under the *National Parks and Wildlife Act 1974* for the purposes of the construction or operation of the Eastern Gas pipeline in relation to land situated in the Morton National Park.

Clause 9 extends the defences available under the *National Parks and Wildlife Act 1974* in relation to offences under sections 98 (Harming protected fauna, other than threatened species, populations or ecological communities), 118A (Harming or picking threatened species, populations or ecological communities), 118C (Damage critical habitat) and 118D (Damage habitat of threatened species, population or ecological community). A person will have a defence if the act constituting the offence concerned was essential for the carrying out of an activity relating to the construction or operation of the Eastern Gas pipeline and did not contravene a condition of a permit or licence granted under the *Pipelines Act 1967* in respect of the pipeline.

Eastern Gas Pipeline (Special Provisions) Bill 1996

Explanatory note

Clause 10 provides for the review of the proposed Act after the period of 5 years from the date of assent to the proposed Act.

Schedule 1 Areas excluded from Morton National Park

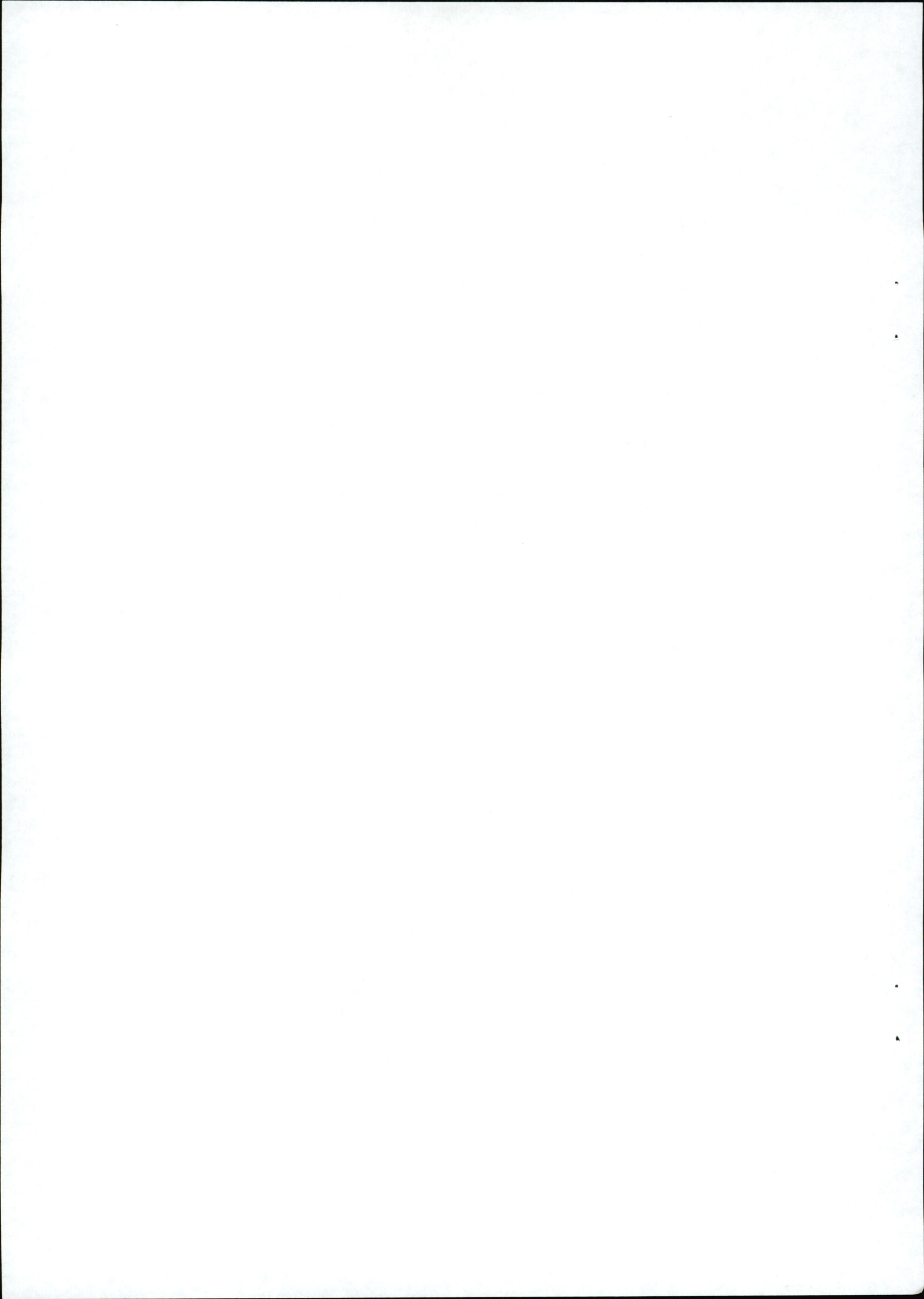
The proposed Schedule describes the land to be excluded from Morton National Park.

Schedule 2 Areas added to Morton National Park

The proposed Schedule describes the land to be added to the Morton National Park.

Schedule 3 Variation of Ettrema Wilderness Area

The proposed Schedule describes the variation of a boundary of the Ettrema Wilderness Area.





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Eastern Gas Pipeline (Special Provisions) Bill 1996

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New South Wales

Eastern Gas Pipeline (Special Provisions) Bill 1996

No. , 1996

A Bill for

An Act to facilitate construction of a portion of a gas pipeline on land in the Morton National Park, to provide a defence for offences committed in the construction and operation of the pipeline, to realign land included in the Morton National Park and the Ettrema Wilderness Area to reflect the actual boundary of a road; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Eastern Gas Pipeline (Special Provisions) Act 1996*.

2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

Deposited Plan 864096 means the plan of that name presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for this Act) when the Bill was introduced into the Assembly, and also lodged in the Land Titles Office. 10

Eastern Gas pipeline means the pipeline proposed to be constructed or that has been constructed from Longford, Victoria, to Wilton, New South Wales, for the purpose of supplying natural gas. 15

reservation means a reservation of land (or deemed reservation of land) under the *National Parks and Wildlife Act 1974*. 20

4 Exclusion of area from Morton National Park

The reservation of land as Morton National Park is, to the extent that that reservation applies to the land described in Schedule 1, revoked.

5 Addition of areas to Morton National Park

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(1) The land described in Schedule 2 is reserved as part of the Morton National Park under the *National Parks and Wildlife Act 1974*.

(2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a proclamation under section 33 (3) of that Act is, in relation to the reservation of land under this section, taken to be a reference to the enactment of this Act. 30

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- (3) Section 35 of the *National Parks and Wildlife Act 1974* does not apply in relation to a reservation of land under this Act.
 - (4) This Act has effect despite section 34 (2) of the *National Parks and Wildlife Act 1974*.

6 Variation of Ettrema Wilderness Area 5

- (1) The declaration of land as the Ettrema Wilderness Area is, to the extent set out in Schedule 3, varied.
- (2) The declaration of land as the Ettrema Wilderness Area is, to the extent that that declaration applies to land outside the boundary of the Area as described in Schedule 3, revoked. 10

7 No compensation payable in respect of additional land

No compensation or other consideration of any kind is payable, directly or indirectly, by the Minister administering the *National Parks and Wildlife Act 1974* or by any other person, to any person or body for land reserved as part of Morton National Park, or declared to be part of Ettrema Wilderness Area, by the operation of this Act. 15

8 Easement for pipeline

- (1) The Minister administering the *National Parks and Wildlife Act 1974* may grant an easement under section 153 of the *National Parks and Wildlife Act 1974* for the purposes of the construction or operation of the Eastern Gas pipeline on or under land included in the Morton National Park. Any such easement may be revoked or varied under that section. 20
- (2) Nothing in this section limits any power of the Minister to grant, revoke or vary an easement under section 153 of the *National Parks and Wildlife Act 1974*. 25

9 Defence

It is a defence to a prosecution for an offence against section 98, 118A, 118C or 118D of the *National Parks and Wildlife Act 1974* if the accused proves that the act constituting the offence: 30

-
- (a) was essential for the carrying out of an activity relating to the construction or operation of the Eastern Gas pipeline, and
- (b) did not contravene a condition of a permit or licence granted under the *Pipelines Act 1967* in respect of the Eastern Gas pipeline. 5

10 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. 10
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years. 15

Schedule 1 Areas excluded from Morton National Park

(Section 4)

- 1 Land comprised in the road marked Main Road 92 on Deposited Plan 864096.
- 2 Lots 1 and 3 in Deposited Plan 864096.

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Schedule 2 Areas added to Morton National Park

(Section 5)

- 1 Lot 2 in Deposited Plan 864096.
- 2 All that land reserved for the purposes of Main Road 92 immediately before the commencement of this Schedule (being public road R1125-1603), not being land described in Schedule 1 or included in Lot 2 in Deposited Plan 864096. 5

Schedule 3 Variation of Ettrema Wilderness Area

(Section 6)

The Ettrema Wilderness Area is varied by redefining the southern boundary of the wilderness area, where it was defined immediately before the commencement of this Schedule with respect to Main Road 92, as a line 80 metres north of and parallel to the northern boundary of the road marked Main Road 92 on Deposited Plan 864096 together with Lot 1 in Deposited Plan 864096, between Tolwong Road and Portion 8, Parish of St George and between Portion 1, Parish of Boolijah and the eastern boundary of Morton National Park.

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New South Wales

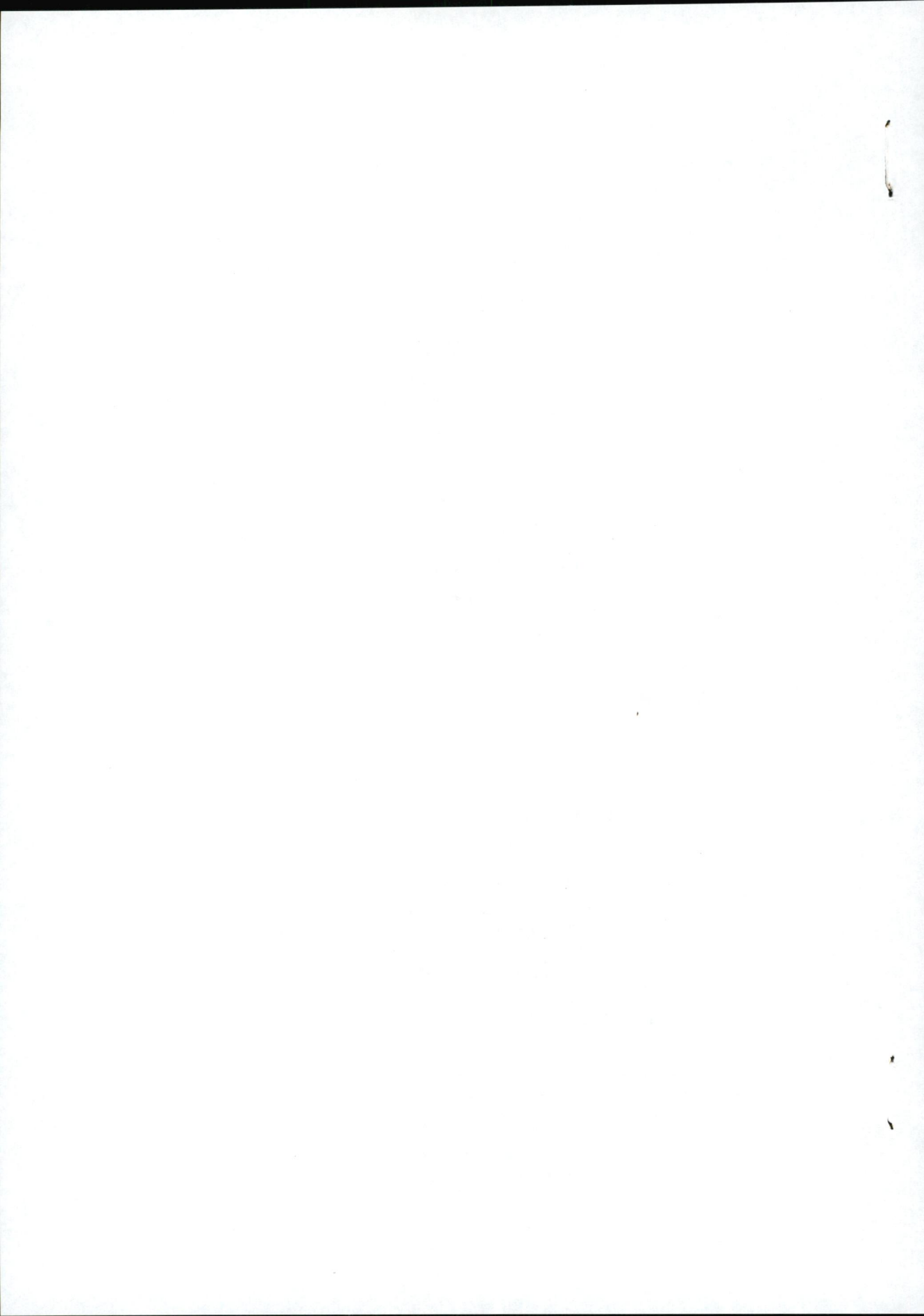
Eastern Gas Pipeline (Special Provisions) Act 1996 No 126

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New South Wales

Eastern Gas Pipeline (Special Provisions) Act 1996 No 126

Act No 126, 1996

An Act to facilitate construction of a portion of a gas pipeline on land in the Morton National Park, to provide a defence for offences committed in the construction and operation of the pipeline, to realign land included in the Morton National Park and the Ettrema Wilderness Area to reflect the actual boundary of a road; and for other purposes. [Assented to 3 December 1996]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Eastern Gas Pipeline (Special Provisions) Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

Deposited Plan 864096 means the plan of that name presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for this Act) when the Bill was introduced into the Assembly, and also lodged in the Land Titles Office.

Eastern Gas pipeline means the pipeline proposed to be constructed or that has been constructed from Longford, Victoria, to Wilton, New South Wales, for the purpose of supplying natural gas.

reservation means a reservation of land (or deemed reservation of land) under the *National Parks and Wildlife Act 1974*.

4 Exclusion of area from Morton National Park

The reservation of land as Morton National Park is, to the extent that that reservation applies to the land described in Schedule 1, revoked.

5 Addition of areas to Morton National Park

- (1) The land described in Schedule 2 is reserved as part of the Morton National Park under the *National Parks and Wildlife Act 1974*.
- (2) A reference in the *National Parks and Wildlife Act 1974* to the publication of a proclamation under section 33 (3) of that Act is, in relation to the reservation of land under this section, taken to be a reference to the enactment of this Act.

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- (3) Section 35 of the *National Parks and Wildlife Act 1974* does not apply in relation to a reservation of land under this Act.
 - (4) This Act has effect despite section 34 (2) of the *National Parks and Wildlife Act 1974*.

6 Variation of Ettrema Wilderness Area

- (1) The declaration of land as the Ettrema Wilderness Area is, to the extent set out in Schedule 3, varied.
- (2) The declaration of land as the Ettrema Wilderness Area is, to the extent that that declaration applies to land outside the boundary of the Area as described in Schedule 3, revoked.

7 No compensation payable in respect of additional land

No compensation or other consideration of any kind is payable, directly or indirectly, by the Minister administering the *National Parks and Wildlife Act 1974* or by any other person, to any person or body for land reserved as part of Morton National Park, or declared to be part of Ettrema Wilderness Area, by the operation of this Act.

8 Easement for pipeline

- (1) The Minister administering the *National Parks and Wildlife Act 1974* may grant an easement under section 153 of the *National Parks and Wildlife Act 1974* for the purposes of the construction or operation of the Eastern Gas pipeline on or under land included in the Morton National Park. Any such easement may be revoked or varied under that section.
- (2) Nothing in this section limits any power of the Minister to grant, revoke or vary an easement under section 153 of the *National Parks and Wildlife Act 1974*.

9 Defence

It is a defence to a prosecution for an offence against section 98, 118A, 118C or 118D of the *National Parks and Wildlife Act 1974* if the accused proves that the act constituting the offence:

- (a) was essential for the carrying out of an activity relating to the construction or operation of the Eastern Gas pipeline, and
- (b) did not contravene a condition of a permit or licence granted under the *Pipelines Act 1967* in respect of the Eastern Gas pipeline.

10 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Areas excluded from Morton National Park

(Section 4)

- 1 Land comprised in the road marked Main Road 92 on Deposited Plan 864096.
- 2 Lots 1 and 3 in Deposited Plan 864096.

Schedule 2 Areas added to Morton National Park

(Section 5)

- 1 Lot 2 in Deposited Plan 864096.
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Schedule 3 Variation of Ettrema Wilderness Area

(Section 6)

The Ettrema Wilderness Area is varied by redefining the southern boundary of the wilderness area, where it was defined immediately before the commencement of this Schedule with respect to Main Road 92, as a line 80 metres north of and parallel to the northern boundary of the road marked Main Road 92 on Deposited Plan 864096 together with Lot 1 in Deposited Plan 864096, between Tolwong Road and Portion 8, Parish of St George and between Portion 1, Parish of Boolijah and the eastern boundary of Morton National Park.

[Minister's second reading speech made in—
Legislative Assembly on 20 November 1996
Legislative Council on 28 November 1996]

