

[Act 1996 No 126]



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.

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## 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.

**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.