

TASMANIA

**GAS LEGISLATION AMENDMENT (LAND
ACQUISITION) BILL 2003**

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GAS LEGISLATION AMENDMENT (LAND ACQUISITION) BILL 2003

*(Brought in by the Minister for Economic Development,
Energy and Resources, the Honourable Paul Anthony
Lennon)*

A BILL FOR

An Act to amend the *Gas Act 2000* and *Gas Pipelines Act 2000*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

Short title

1. This Act may be cited as the *Gas Legislation Amendment (Land Acquisition) Act 2003*.

Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

PART 2 – GAS ACT 2000 AMENDED**Principal Act**

3. In this Part, the *Gas Act 2000** is referred to as the Principal Act.

Section 84A inserted

4. After section 84 of the Principal Act, the following section is inserted in Division 2:

Acquisition of land, &c.

84A. (1) In this section –

“telecommunications carrier” means the holder of a carrier licence under the *Telecommunications Act 1997* of the Commonwealth;

“telecommunications infrastructure” means infrastructure that is necessary or convenient for the purposes of a telecommunications network within the meaning of the *Telecommunications Act 1997* of the Commonwealth.

(2) A gas entity is an acquiring authority under the *Land Acquisition Act 1993* and may acquire land under that Act for the purposes of the operations that the gas entity is authorised to carry on under its licence.

(3) Without limiting subsection (2), a gas entity is taken to be a public authority for the

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purposes of section 90A(1) of the *Conveyancing and Law of Property Act 1884* and, accordingly, may acquire by compulsory process an easement in gross within the meaning of that section of that Act.

(4) Notwithstanding subsections (2) and (3) –

- (a) a gas entity may acquire land by compulsory process only if the acquisition is authorised in writing by the Minister; and
- (b) a gas entity may install and maintain telecommunications infrastructure on land that it has acquired under the *Land Acquisition Act 1993* or allow a telecommunications carrier to install and maintain such infrastructure on such land.

(5) Regulations may be made under section 137 modifying the *Land Acquisition Act 1993* in its application to the acquisition of land by gas entities under that Act, but not so as to affect the monetary entitlements of persons from whom land is acquired.

PART 3 – GAS PIPELINES ACT 2000 AMENDED**Principal Act**

5. In this Part, the *Gas Pipelines Act 2000** is referred to as the Principal Act.

Section 27A inserted

6. After section 27 of the Principal Act, the following section is inserted in Division 5:

Acquisition of land, &c.

27A. (1) In this section –

“telecommunications carrier” means the holder of a carrier licence under the *Telecommunications Act 1997* of the Commonwealth;

“telecommunications infrastructure” means infrastructure that is necessary or convenient for the purposes of a telecommunications network within the meaning of the *Telecommunications Act 1997* of the Commonwealth.

(2) A licensee is an acquiring authority under the *Land Acquisition Act 1993* and may acquire land under that Act for the purposes of the regulated activities that the licensee is authorised to engage in under its pipeline licence.

(3) Without limiting subsection (2), a licensee is taken to be a public authority for the purposes of

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section 90A(1) of the *Conveyancing and Law of Property Act 1884* and, accordingly, may acquire by compulsory process an easement in gross within the meaning of that section of that Act.

(4) Notwithstanding subsections (2) and (3) –

- (a) a licensee may acquire land by compulsory process only if the acquisition is authorised in writing by the Minister; and
- (b) a licensee may install and maintain telecommunications infrastructure on land that it has acquired under the *Land Acquisition Act 1993* or allow a telecommunications carrier to install and maintain such infrastructure on such land.

(5) Regulations may be made under section 99 modifying the *Land Acquisition Act 1993* in its application to the acquisition of land by licensees under that Act, but not so as to affect the monetary entitlements of persons from whom land is acquired.