

Legislative Council—No 24

As received from the House of Assembly and read a first time, 1 September 2026

South Australia

**Northern Water Project (Land and Infrastructure)
Bill 2026**

A BILL FOR

An Act to facilitate the Northern Water project and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Northern Water Project (Land and Infrastructure) Act 2026*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

(1) In this Act—

authorised entity means—

- (a) the Minister; or
- (b) any entity authorised by the Minister for the purposes of this Act;

council means a council under the *Local Government Act 1999*;

interest in land has the same meaning as in the *Land Acquisition Act 1969*;

land has the same meaning as in the *Land Acquisition Act 1969*;

LTO means the Lands Titles Registration Office under the *Real Property Act 1886*;

native title has the meaning given by section 4 of the *Native Title (South Australia) Act 1994*;

Northern Water pipeline—see the definition of **project infrastructure**;

owner of land means—

- (a) if the land is unalienated from the Crown—the Crown; or
- (b) if the land is alienated from the Crown by grant in fee simple—the owner (at law or in equity) of the estate in fee simple; or
- (c) if the land is subject to a lease granted under the *Crown Land Management Act 2009* or the *Pastoral Land Management and Conservation Act 1989*—the lessee under that lease; or
- (d) if the land is held from the Crown under an agreement to purchase—the person who has the right to purchase; or
- (e) in relation to dedicated land within the meaning of the *Crown Land Management Act 2009* that has not been granted in fee simple but which is under the care, control and management of a Minister, local council or other body or person—the Minister, council or other body or person,

and includes a person who holds native title in respect of the land and any other person of a class brought within the ambit of this definition by the regulations;

prescribed mining or energy interest means an interest under the *Energy Resources Act 2000*, *Hydrogen and Renewable Energy Act 2023* or the *Mining Act 1971* of a kind prescribed by the regulations;

project means the Northern Water project (and includes a proposal for such a project, whether funded or otherwise), being the facilitation, planning, investigation, design, construction, operation and maintenance of the project infrastructure, including operations relating to the sale and supply of desalinated treated water;

Note—

See also subsections (2) and (3).

project area—see section 7(1);

project entitlement— section 10(1);

project infrastructure means the following infrastructure:

- (a) a seawater desalination plant drawing water from the Spencer Gulf;
- (b) marine intake and outfall structures (such as seawater pipelines or tunnels) and associated marine infrastructure and interface works;
- (c) a transfer pipeline (the **Northern Water pipeline**) connecting the seawater desalination plant to northern South Australia, including equipment and appliances, pump stations and water storage facilities;
- (d) electricity infrastructure and equipment (such as substations, transmission and distribution lines and other electricity infrastructure) relating to the construction and operation of the desalination plant, Northern Water pipeline and any other project infrastructure;
- (e) pipes or other infrastructure or equipment installed on land for the purposes of the project (including infrastructure or equipment installed in connection with the provision of offsets in respect of matters of national environmental significance or native vegetation);
- (f) temporary infrastructure (including that associated with work, camp and related sites), fences and barriers;
- (g) temporary or permanent access roads;

road has the same meaning as in the *Local Government Act 1999*;

South Australian waters means adjacent land and subjacent land within the meaning of the *Harbours and Navigation Act 1993*, insofar as that land is vested in a Minister to whom the administration of that Act is committed under section 15 of that Act, and includes waters and airspace over such land.

- (2) The Minister may, by notice in the Gazette, identify 1 or more contracts that will be taken to be contracts entered into for the purposes of the project (and anything undertaken pursuant to such contracts will be taken to form part of the project).
- (3) Any act or activity undertaken in connection with the provision of offsets in respect of matters of national environmental significance or native vegetation will be taken to form part of the project (and a reference in this Act to the purposes of the project includes a reference to the provision of such offsets).
- (4) In this Act, a reference to the opening or closing of a road includes a reference to the widening, narrowing, adjusting or realigning of a road.
- (5) Nothing in this Act limits or affects the power of the Minister (or an authorised entity) to acquire land, an interest in land or rights in or in relation to land by agreement.

4—Interaction with other Acts

Except as otherwise provided—

- (a) this Act is in addition to and does not limit or derogate from the provisions of any other Act; and
- (b) this Act applies to land notwithstanding the provisions of the *Real Property Act 1886*; and

- (c) the *Land Acquisition Act 1969* does not apply to the acquisition or vesting of, or the creation of an interest in, land under this Act.

Note—

Nothing in this Act affects the operation of any Commonwealth law (to the extent of any inconsistency between this Act and a Commonwealth law) or authorises the Minister to affect any right, title or interest held by the Crown in right of the Commonwealth.

Part 2—Dealings with land for purposes of project

Division 1—Acquisition of land etc

5—Acquisition of land etc

- (1) Without limiting Division 2, the Minister may, for the purposes of the project, acquire land (including a portion of land), an interest in land or rights in or in relation to land.

Note—

An acquisition under this section may be by compulsory process (see subsection (2)).

- (2) The *Land Acquisition Act 1969* applies to an acquisition by the Minister under this section (subject to any modifications prescribed by the regulations), but—
- (a) an estate in fee simple in land cannot be acquired under this section over land which is subject to native title without the consent of the native title holders; and
- (b) an estate in fee simple cannot be acquired under this section in land within an excluded area.
- (3) Regulations modifying the *Land Acquisition Act 1969* under this section may limit or exclude compensation or any other payment for specified loss or damage.
- (4) An easement may be acquired under this section despite the fact that the characteristics of the easement do not satisfy all of the characteristics that must be satisfied for an easement to be created under the common law.

Note—

For example, it may be an easement in gross.

- (5) In this section—

excluded area means any of the following:

- (a) the Arkaroola Protection Area within the meaning of the *Arkaroola Protection Act 2012*;
- (b) a reserve within the meaning of the *National Parks and Wildlife Act 1972*;
- (c) an area of land to which a heritage agreement under section 23 of the *Native Vegetation Act 1991* applies;
- (d) a wilderness protection area or a wilderness protection zone both within the meaning of the *Wilderness Protection Act 1992*.

Division 2—Project areas, project entitlements etc

6—Effect of Division

- (1) This Division has effect despite any other Act or law.
- (2) Nothing in this Division limits the operation of Division 1.

7—Authorised entity may establish project areas

- (1) An authorised entity may, by notice in the Gazette, establish an area on any land for the purposes of the project (a *project area*).
- (2) Before establishing a project area on land by notice under subsection (1), an authorised entity—
 - (a) must take reasonable steps to give the owner of the land and any holder of a prescribed mining or energy interest in the land a copy of the proposed notice under subsection (1) in accordance with, and including the information prescribed by, the regulations; and
 - (b) may require the owner to give, within a period of 30 days after the giving of the proposed notice (or such longer period as the authorised entity may allow), prescribed details to the authorised entity in accordance with the regulations relating to any other person who, to the owner's knowledge, has an interest (other than a prescribed mining or energy interest) in the land; and
 - (c) must take reasonable steps to invite the owner of the land and any holder of a prescribed mining or energy interest in the land to provide written submissions to the authorised entity on the proposed notice within a period of 30 days after the giving of the proposed notice (or such longer period as the authorised entity may allow).
- (3) An authorised entity must, as soon as is reasonably practicable after establishing a project area on land by notice under subsection (1), notify the owner of the land, any holder of a prescribed mining or energy interest in the land and any other person with an interest in the land of whom the authorised entity has been given notice under subsection (2)(b) of the establishment of the project area.
- (4) An authorised entity may, by further notice in the Gazette, vary or revoke a notice under subsection (1).
- (5) An authorised entity must, as soon as is reasonably practicable after varying or revoking a notice under subsection (1), notify the owner of the land, any holder of a prescribed mining or energy interest in the land and any other person with an interest in the land of whom the authorised entity has been given notice under subsection (2)(b) of the variation or revocation.
- (6) A notice under this section may establish a project area by use of a map or plan that indicates the project area in general terms and does not determine the boundaries of the project area by cadastral survey.

8—Notation on title

- (1) The Registrar-General must, on application by the Minister, note the existence of a project area established under section 7 against the relevant instrument of title or—
 - (a) in the case of land that has not been brought under the provisions of the *Real Property Act 1886*—against the land; or
 - (b) in the case of land that is subject to a lease or agreement to purchase under the *Crown Land Management Act 2009*—against the lease or agreement.
- (2) A notation under subsection (1)—
 - (a) does not give rise to an interest in land; and
 - (b) does not give rise to rights under the *Real Property Act 1886* (but is not discharged by the exercise of a power of sale or foreclosure under that Act or any other Act); and
 - (c) may subsequently be varied or revoked by the Registrar-General on application by the Minister.
- (3) If the Minister applies for the making of a notation under subsection (1) or the variation or revocation of a notation under subsection (2)(c), the Minister will, in accordance with any requirements of the Registrar-General, furnish the Registrar-General with any map or plan required by the Registrar-General to define the project area to which the notation relates.

9—Entry etc on to project areas

- (1) An authorised entity may enter and remain on a project area for the purposes of—
 - (a) conducting investigations (including surveys, planning or design) or carrying out any other form of work to assess the suitability of a project area for the construction or installation of project infrastructure; or
 - (b) constructing, installing, improving, altering or adding to any project infrastructure; or
 - (c) performing any other function prescribed by the regulations.
- (2) If an authorised entity seeks to enter a project area for the first time—
 - (a) the entity must give prior written notice to the occupier of the land in accordance with the regulations; and
 - (b) the entity—
 - (i) must pay an amount in accordance with a scheme determined by the Minister (a **commencement payment**) in respect of the entry on to, and occupation of, the land; and
 - (ii) may pay an additional amount by way of compensation in accordance with that scheme in respect of the occupation of the land after the first entry and before any project entitlement is established over and in respect of the land under section 10.
- (3) A commencement payment and any payment under subsection (2)(b)(ii) will be divided between persons with an interest in the relevant land in accordance with the scheme determined by the Minister.

- (4) An authorised entity may use reasonable force to enter a project area under this section.
- (5) An authorised entity must make good any damage caused by the exercise of powers under this section as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
- (6) In an emergency or urgent situation, an authorised entity may exercise a power under this section at any time and without prior notice or agreement.
- (7) In connection with the exercise of a power under this section, a person undertaking work may—
- (a) enter and pass over any land; and
 - (b) bring onto any land any vehicles, plant, equipment or construction materials; and
 - (c) temporarily occupy any land and exclude a person from the land for work, health and safety or security purposes.
- (8) A person must not hinder or obstruct a person exercising a power under this section
- Maximum penalty:
- (a) if the offender is a body corporate—\$100 000;
 - (b) in any other case—\$10 000.
- (9) A person excluded from land under this section must not enter, or attempt to enter, the land.
- Maximum penalty:
- (a) if the offender is a body corporate—\$100 000;
 - (b) in any other case—\$10 000.

10—Establishment of project entitlements in relation to land in project areas

- (1) Subject to this section, the Minister may, by instrument lodged in the LTO, establish a **project entitlement** over and in respect of land in a project area by—
- (a) vesting land, an interest in land or rights in or in relation to land in the Minister in an estate in fee simple; or
 - (b) creating or granting a right or interest in or in relation to land; or
 - (c) placing the land in the care, control and management of the Minister or another person or body.
- (2) To avoid doubt, an interest or right under subsection (1) may include an interest or right in the nature of an easement (including an easement in gross).
- (3) A project entitlement providing for the vesting of an estate in fee simple in the Minister in land which is subject to native title cannot be established under this section without the consent of the native title holders.
- (4) A project entitlement takes effect on lodgement of the relevant instrument under subsection (1) in the LTO.

- (5) Except as provided in this section, a project entitlement under this section—
- (a) will be taken to be effected under, and by force of, this Act and without the need to execute any instrument (other than the relevant instrument under subsection (1)), to undertake or obtain any registration (including in the LTO) or to obtain any consent or approval; and
 - (b) will bind the owner from time to time of the relevant land even if not registered on the certificate of title for the land or, in the case of Crown land, even if not registered, recorded or endorsed in relation to the land (including an owner who takes the land on a genuine basis for valuable consideration in a situation where the project entitlement has not been registered, recorded or endorsed) and will bind any other person who takes possession of the land (on any basis and at any time); and
 - (c) will have effect according to its terms and the project entitlement covenants published by the Minister, and will prevail over any other interest in the relevant land to the extent of any inconsistency; and
 - (d) will have effect despite the fact that it may provide for exclusive possession over land; and
 - (e) may provide for the undertaking of work, the alteration of land, the construction, installation, improvement, alteration or addition to any project infrastructure, operations and maintenance for the purposes of the project and the taking of other action in connection with the project; and
 - (f) may prohibit, restrict or regulate access to the land subject to the project entitlement (including access by the owner of the land); and
 - (g) may place obligations on the owner of the land (including an obligation to maintain land subject to the project entitlement) and any other person with an interest in the land; and
 - (h) may have effect over or in relation to a road; and
 - (i) subject to a preceding paragraph, will be subject to the application of the *Real Property Act 1886* after taking effect (even though the project entitlement was created under this Act).
- (6) For the purposes of subsection (5)(c), the Minister must, by notice in the Gazette, publish covenants (***project entitlement covenants***) according to which a project entitlement under this section will have effect.
- (7) The Minister may, by further notice in the Gazette, vary or revoke project entitlement covenants.
- (8) The Minister may, either by varying the relevant instrument under subsection (1) or by further instrument lodged in the LTO—
- (a) vary a project entitlement (including the boundaries of a project entitlement); or
 - (b) revoke a project entitlement.
- (9) If the Minister varies the boundaries of a project entitlement, the project entitlement over land affected by the variation will be adjusted accordingly.

(10) The Minister must, after establishing a project entitlement in relation to land in a project area, revoke the project area in accordance with any requirements of the regulations (but the revocation of the project area does not affect the project entitlement).

(11) A person who holds an alienable interest in land that is affected by the establishment of a project entitlement under this section does not have an immediate right to claim compensation from the Minister or the Crown in respect of the establishment of the project entitlement but may have an entitlement to compensation under section 11.

Note—

The *Land Acquisition Act 1969* does not apply to or in relation to the creation of a project entitlement under this section (see section 4). However, that Act is relevant to compensation under section 11.

(12) The Minister may, by instrument deposited in the LTO, assign the Minister's interest under a project entitlement to another public authority.

(13) If an assignment is effected under subsection (12), a reference in a preceding subsection, and in the relevant project entitlement, to the Minister will be taken from the date of the assignment to be a reference to the relevant public authority (and the public authority may exercise any power with respect to the project entitlement conferred on the Minister by or under this Act or any other law, or by the project entitlement itself).

(14) In this section—

public authority means—

- (a) a Minister or other agency or instrumentality of the Crown (whether in right of the State or of the Commonwealth); or
- (b) a council; or
- (c) any other body brought within the ambit of this definition by the regulations.

11—Entitlement to compensation in relation to project entitlements

(1) Subject to this section, if the Minister establishes a project entitlement over and in respect of land under section 10, the Minister is liable to pay compensation to any person who is the holder of an alienable interest in the land on the date on which the project entitlement takes effect (the **relevant date**) under that section (and an entitlement to compensation under this section with respect to a particular project entitlement does not arise before the relevant date) if—

- (a) the person's interest in the land is divested or diminished by the establishment of the project entitlement; or
- (b) the enjoyment of the person's interest in the land is adversely affected by the establishment of the project entitlement.

(2) The compensation will be determined—

- (a) as if the land or interest in land defined in the instrument establishing the project entitlement had been acquired by the Minister on the relevant date; and
- (b) as if the acquisition had occurred in accordance with the *Land Acquisition Act 1969*.

- (3) For the purposes of subsection (2)(b), the Minister must make an offer of compensation at or before the prescribed time and that offer will be taken to have been made under section 23A of the *Land Acquisition Act 1969* (and then the succeeding provisions of that Act will apply in relation to the processes for arriving at an amount to be paid as compensation and, if relevant, interest but without affecting any possession of land already obtained under a project entitlement by virtue of this Act).
- (4) In negotiations in relation to compensation payable under this section in accordance with the *Land Acquisition Act 1969*, the Minister may offer non-monetary compensation.
- (5) The Minister's liability to pay compensation under this section in accordance with the *Land Acquisition Act 1969* is reduced by the value of non-monetary compensation provided by agreement with the person to whom the liability is owed.
- (6) Despite a preceding subsection, the regulations may disapply or modify a provision of the *Land Acquisition Act 1969* in connection with the operation of this section, other than a provision relating to native title in land, and, in particular, the regulations may limit or exclude compensation or any other payment for specified loss or damage.
- (7) In this section—
prescribed time means—
 - (a) if the Minister considers that the amount of compensation is unable to be determined at the relevant date—as soon as is reasonably practicable after the amount of compensation is able to be determined; or
 - (b) if prescribed circumstances apply—the time prescribed by the regulations; or
 - (c) in any other case—6 months after the relevant date.

12—Concurrence of certain Ministers required in certain cases

- (1) The Minister must, before establishing a project area in relation to land—
 - (a) if any part of the land comprises Crown land—seek the concurrence of the Minister responsible for the administration of the *Crown Land Management Act 2009*; or
 - (b) if any part of the land comprises South Australian waters—seek the concurrence of the Minister responsible for the administration of the *Harbors and Navigation Act 1993*; or
 - (c) if any part of the land comprises a reserve (within the meaning of the *National Parks and Wildlife Act 1972*)—seek the concurrence of the Minister responsible for the administration of that Act; or
 - (d) if any part of the land comprises pastoral land (within the meaning of the *Pastoral Land Management and Conservation Act 1989*)—seek the concurrence of the Minister responsible for the administration of that Act; or
 - (e) if any part of the land comprises a wilderness protection area or wilderness protection zone (within the meaning of the *Wilderness Protection Act 1992*)—seek the concurrence of the Minister responsible for the administration of that Act; or

- (f) in any case—seek the concurrence of the Minister responsible for the administration of the *Energy Resources Act 2000*, the *Hydrogen and Renewable Energy Act 2023* and the *Mining Act 1971*.

- (2) If the Minister seeks the concurrence of a Minister under this section, and the Ministers cannot agree on whether or not the project area should be established, the Ministers must take steps to refer the matter to the Governor and the Governor will determine the matter (and any decision taken by the Governor will be taken to be a decision of the Minister under this Act).

Part 3—Operational matters

13—Division of land

- (1) Despite any other Act or law, if the Minister approves the division of land held by the Minister or the Crown under this section, the division of the land is taken to be an approved development for the purposes of the *Planning, Development and Infrastructure Act 2016*.

- (2) The Minister may only give an approval under subsection (1) if satisfied that the approval is necessary for the purposes of, or reasonably incidental to, the project.

- (3) To avoid doubt—

- (a) no application, assessment, consent or approval; and
(b) no certificate under section 138 of the *Planning, Development and Infrastructure Act 2016*,

is required in relation to a division of land approved under subsection (1) (other than the approval of the Minister under that subsection).

- (4) The Minister may, if necessary for the purposes of any other Act, issue a development authorisation under the *Planning, Development and Infrastructure Act 2016* in respect of a division of land approved under subsection (1) (which will then be taken, for the purposes of that other Act, to have been issued by a relevant authority under that Act)).

- (5) In this section—

division has the same meaning as in the *Planning, Development and Infrastructure Act 2016*.

14—Authorised entities

- (1) The Minister may, by notice in writing furnished to an authorised entity, impose conditions or limitations on the exercise of a power under this Act by that entity.

- (2) When a person enters land under this Act on behalf of an authorised entity, the person—

- (a) may be accompanied by such assistants as the person considers necessary or appropriate; and
(b) may take any vehicles, plant, equipment or construction materials the person considers necessary or appropriate for the functions the person is to carry out on the land.

15—Power to enter land to conduct investigations

- (1) An authorised entity may enter and remain on land to conduct investigations (including surveys, planning or design) or carry out any other form of work to assess the suitability of the land for the construction or installation of project infrastructure.

- (2) An authorised entity entering land under this section—

- (a) must give reasonable notice of the proposed entry on land under this section to the occupier; and
- (b) must minimise the impact of work carried out by the person on the land.

- (3) A person must not hinder or obstruct a person exercising a power under this section.

Maximum penalty:

- (a) if the offender is a body corporate—\$100 000;
- (b) in any other case—\$10 000.

16—Power to carry out work on land

- (1) An authorised entity may, at any reasonable time, enter and remain on land (including a road)—

- (a) to construct, install, improve or add to any project infrastructure; or
- (b) to inspect, operate, commission, decommission, maintain, test, repair, alter, remove or replace any project infrastructure; or
- (c) to carry out other work in connection with the establishment or operation of any project infrastructure; or
- (d) to protect any infrastructure or equipment connected with the project; or
- (e) to carry out roadwork in connection with the project; or
- (f) to perform any other function brought within the ambit of this section by the regulations.

- (2) The powers that may be exercised in the performance of a function set out under subsection (1) include—

- (a) to dig, break or trench any soil or to excavate any land; and
- (b) to remove or use any earth, stone, minerals, trees or other vegetation, or other materials or things located on the land; and
- (c) to sink wells or shafts; and
- (d) to construct, make, maintain, alter, add to or discontinue any infrastructure; and
- (e) to divert or hold any water; and
- (f) to carry out roadwork; and
- (g) to construct workshops, sheds, accommodation or other buildings of a temporary nature; and
- (h) to revegetate trees or other vegetation; and
- (i) to undertake other activities or work as may be necessary or incidental to the performance of any such function.

- (3) If an authorised entity seeks to enter land for the first time, the entity must give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.
- (4) The regulations may prescribe other circumstances when notice must be given to the occupier of land.
- (5) The period of notice must be reasonable.
- (6) An authorised entity may use reasonable force to enter any land under this section.
- (7) An authorised entity must, in relation to land used for any purpose under this section, at the reasonable request of the owner or occupier of the land or the holder of a prescribed mining or energy interest in the land, separate the land being used for the purpose under this section from other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under this section, the matter may be referred to the Magistrates Court for resolution.
- (8) An authorised entity must make good any damage caused by the exercise of powers under this section as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
- (9) Without limiting subsection (8), the Minister may (but is not obliged to) pay the amount prescribed by the regulations to an owner of, and the holder of a prescribed mining or energy interest in, land used for any purpose under this section for any inconvenience relating to the use of the land.
- (10) This section does not derogate from the obligation to comply with the provisions of any other Act.
- (11) In an emergency or urgent situation, an authorised entity may exercise a power under this section at any time and without prior notice or agreement.
- (12) In connection with the exercise of a power under this section, a person undertaking work may—
- (a) enter and pass over any land; and
 - (b) bring onto any land any vehicles, plant or equipment; and
 - (c) temporarily occupy any land.
- (13) A person must not hinder or obstruct a person exercising a power under this section.
- Maximum penalty:
- (a) if the offender is a body corporate—\$100 000;
 - (b) in any other case—\$10 000.
- (14) In this section—
- roadwork** has the same meaning as in the *Highways Act 1926*.

Part 4—Miscellaneous

17—Roads

- (1) The Minister may—
- 5 (a) by notice in the Gazette, temporarily close any road in connection with the project; or
- (b) by lodging a plan with the Registrar-General, open or close any roads in connection with the project.
- (2) A plan lodged under subsection (1)(b) may specify that any road shown on the plan is a public road (in which case the road will be taken to have been established in accordance with the *Roads (Opening and Closing) Act 1991* and to be a public road within the meaning of section 4 of the *Local Government Act 1999*).
- 10 (3) The Minister may—
- (a) by subsequent notice in the Gazette, vary or revoke a notice under subsection (1)(a); and
- 15 (b) by subsequent plan lodged with the Registrar-General, vary any plan lodged with the Registrar-General under subsection (1)(b).

18—Infrastructure does not merge with land

20 Subject to this Act, in the absence of agreement in writing to the contrary, the ownership of any project infrastructure is not affected by the fact that it has been laid or installed on or under land (and so the project infrastructure does not become a fixture in relation to the land).

19—Minister may sell or otherwise dispose of land etc

- 25 (1) The Minister may, in any manner the Minister thinks fit, sell or otherwise dispose of (including by dedication) land, an interest in land (including, for example, an easement in gross) or a right in or in relation to land acquired (whether before or after the commencement of this Act) or held by the Minister in connection with the project.
- (2) The Minister may sell or otherwise dispose of any pipes or other infrastructure or equipment installed on land (whether before or after the commencement of this Act) in connection with the project in any manner the Minister thinks fit.
- 30 (3) A sale or disposal under this section will be subject to such terms and conditions as the Minister thinks fit.
- (4) The Minister may, in connection with the operation of this section, by instrument deposited in the LTO, make provision relating to the status, vesting or management of land or infrastructure on land or the delineation of land as the Minister thinks fit (and such an instrument will have effect according to its terms).
- 35 (5) If the Minister deposits an instrument in the LTO under this section, the Minister must give public notice of that fact within 2 months after the instrument is deposited.

20—Duties of Registrar-General

- (1) The Registrar-General may, on application by the Minister, take such action as may be required for or in connection with—

- (a) the issue, alteration, correction or cancellation of certificates or other documents of title; or
- (b) the making, recording, alteration, correction or cancellation of entries or endorsements in the Crown land register or in the Register Books, as may be necessary or expedient for the purposes of this Act.

- (2) If the Minister applies to the Registrar-General to take action under this Act to give effect to a determination or action of the Minister, the Minister will, if required by the Registrar-General—

- (a) furnish the Registrar-General with any map or plan required by the Registrar-General to give effect to the determination or action; or
- (b) furnish the Registrar-General with any document required by the Registrar-General in relation to the determination or action.

21—Damage etc in relation to certain land

- (1) A person who, in relation to protected land, or on or after a relevant event in relation to land, without lawful authority—

- (a) damages or interferes with the land, or anything on the land; or
- (b) causes or permits the land to be unsuitable for the purposes of the design, construction, operation or maintenance of the project,

is guilty of an offence.

Maximum penalty:

- (a) if the offender is a body corporate—\$100 000;
- (b) in any other case—\$10 000.

- (2) In proceedings for an offence against subsection (1), the onus of proving lawful authority lies on the defendant.

- (3) In this section—

protected land means land identified by the Minister by notice in the Gazette for the purposes of this section;

relevant event, in relation to land, means—

- (a) the giving of notice of the acquisition of land for the purposes of the project under the *Land Acquisition Act 1969* as applying in connection with Part 2 Division 1; or
- (b) the giving under section 7(2) of a proposed notice under section 7(1) establishing a project area on land; or
- (c) the establishment of a project entitlement over or in relation to land under section 10.

22—Application, modification of certain Acts

The regulations may apply (with or without modification) provisions of the following Acts in relation to the project or to project infrastructure:

- (a) the *Harbors and Navigation Act 1993*;
- (b) the *Water Industry Act 2012*.

23—Ministerial powers

The Minister has the power to do anything necessary, expedient or incidental to—

- (a) performing the functions of the Minister under this Act; or
- (b) for the purposes of the project (including implementing the project); or
- (c) administering this Act.

24—Delegation

- (1) The Minister may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function of the Minister under this Act.

- (2) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) may, if the instrument of delegation so provides, be further delegated; and
- (d) does not derogate from the power of the delegator to act in any matter; and
- (e) is revocable at will.

25—Expiry of Act

The Minister—

- (a) may, by notice in the Gazette, fix a day, or days, on which particular provisions of this Act will expire; and
- (b) may, by notice in the Gazette, fix a day on which this Act will finally expire.

26—Regulations and fee notices

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may make provision for or relating to—
 - (a) fines, not exceeding \$5 000, for offences against the regulations; and
 - (b) expiation fees, not exceeding \$5 000, for alleged offences against this Act or the regulations, and the regulations may make provision with respect to matters related to expiation notices (including in relation to the persons who are authorised to give expiation notices).
- (3) The regulations may—
 - (a) be of general or limited application; and

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- (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - (c) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
 - (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified entity.
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- (4) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.
 - (5) A fee notice may provide for the waiver, reduction or remission of fees.