Index 311

SUBJECT INDEX

aboriginal heritage	electricity
cultural heritage legislation (QLD) 130-	competition 98-102
131	market 98-102
coal	trade practices (see restrictive trade
compensation	practices)
just and equitable (NSW) 15, 220-	energy
222	reform of renewable energy legislation
royalty system 222-223	(Cth) 9-12
compensation	security 305-308
coal (see coal)	environment
mining lease (see mining lease)	carbon rights
Petroleum Act 1923 (QLD), under 21-	legislative framework 156-62
22	market for trading 156-162
construction	geosequestration
Building and Construction Industry	regulatory framework 211-213
Security of Payment Act 1999 (NSW)	geothermal
103-111	exploration 124-128
security of payment legislation (QLD)	permits 124-128
22-25	Indonesia
contamination	forestry law 7
regime	injunction
Contaminated Sites Act 2003 (WA)	application (see joint ventures)
139-142	international law
contract	alien tort claims (see tort)
boilerplate clauses 147-155	human rights (see tort)
assignment, prohibition on 148-153	joint ventures
corporate veil 149	agreement
entire agreement 153-155	breach of 46-47
joint venture agreements (see joint	injunction, application for 46-47
ventures)	right of refusal 44
process contract 45-46	fiduciary duties (NZ)
enforceability of 45-46	negotiation of joint venture 243-245
state agreement	oil and gas 185-209
interpretation of 39-44	joint marketing agreements 185-209
tenders (see tenders)	restrictive trade practices (see
corporations	restrictive trade practices)
occupational health and safety law	Trade Practices Act 1974 (Cth)
liability for breach (see safety)	Part IV 192-200, 203-208
creditors	justiciability
scheme of arrangement 163-184	Alien Tort Claims Act (US) (see tort)
components 163-164	non-justiciability
jurisdiction 170-171	Act of State Doctrine 63-80
Murrin Murrin project 164-184	International Comity Doctrine 63-80
process 165	Political Question Doctrine 63-80
voting 171-173	grant of concession, validity of (see
crown	Timor Sea)
derivative immunity 295-298	

land		native title
	Land and Environment Court (QLD)	agreements
	226-227	access 225-226
	land rich regime (VIC) 132-133	pro forma 81-89
Land an	d Resources Tribunal	right to negotiate 81-89
	jurisdiction 275-289	claims 17
	condition precedent 278-288	connection, maintenance of 28-30
	criteria for allowing determination	determination of 90-97
	of 287-288	extinguishment 20-21
	non-extinguishment of native title	non-extinguishment 278-281
	278-281	law, generally 112-117
	power to determine 282-287	licence 238-239
	nature of 275-276	pastoral leases 55-62
mining		non-exclusive lease, grant of 55-62
	application for	past acts 55-62
	mining claim 119-120	Racial Discrimination Act 1975
	consent of owners 119-120	(CTH) 55-62
	company 230-231	natural gas
	compensation to landowners 229-230	contamination (see contamination)
	contamination (see contamination)	joint venture agreements (see joint
	exemption applications	ventures)
	extension of time for 37-39	market 195-200
	exploration licence, application for 238-	Petroleum and Gas (Production and
	239	Safety) Bill 2004 (QLD) 128-130
	objections 238-239	review of access regime (Cth) 12-15
	native title (see native title)	trade practices (see restrictive trade
	leases (see mining lease)	practices) offshore
	Mining Act 1978 (WA) 48-55	
	in open court, meaning of 49-50	petroleum (see petroleum)
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA)	petroleum (see petroleum) petroleum
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236	petroleum (see petroleum) petroleum access arrangement 145-146
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation)
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination)
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court)	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures)
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title)	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title)	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety)	petroleum (see petroleum) petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title)
	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety)	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands)
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122 forfeiture	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands) (Amendment) Bill (VIC) 133-134
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122 forfeiture plaint for 135-139, 142-43, 232-234	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands) (Amendment) Bill (VIC) 133-134 Timor Sea concession area (see Timor
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122 forfeiture plaint for 135-139, 142-43, 232-234 plaint for, withdrawal of 35-36	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands) (Amendment) Bill (VIC) 133-134 Timor Sea concession area (see Timor Sea)
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122 forfeiture plaint for 135-139, 142-43, 232-234 plaint for, withdrawal of 35-36 lodging caveats over 16-17	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands) (Amendment) Bill (VIC) 133-134 Timor Sea concession area (see Timor Sea) trade practices (see restrictive trade
mining l	in open court, meaning of 49-50 Mining Act Amendment Bill (WA) 234-236 prospecting licence 50-52 warden's court jurisdiction (see warden's court) ministerial statement (VIC) 30-31 native title agreements (see native title) registrar 17-18 tenement by unregistered foreign occupational health and safety (see safety) Philippine mining law 7-9 prospecting licence 236-237 safety (see safety) ease access 19 application 18, 19-20, 120, 224-225 restoration, for 31-34 compensation agreements 121-122 forfeiture plaint for 135-139, 142-43, 232-234 plaint for, withdrawal of 35-36	petroleum access arrangement 145-146 compensation (see compensation) contamination (see contamination) joint venture agreements (see joint ventures) market 195-200 ministerial statement (VIC) 30-31 National Offshore Petroleum Authority 213-214 native title agreements (see native title) offshore facilities occupational health and safety 133- 134 Petroleum and Gas (Production and Safety) Bill 2004 (QLD) 128-130 Petroleum and Other Legislation Amendment Bill (QLD) 223-224 Petroleum (Submerged Lands) (Amendment) Bill (VIC) 133-134 Timor Sea concession area (see Timor Sea)

Index 313

procedu		tenders	
	jurisdiction (see Land and Resources		preliminary contract 6
•1	Tribunal)	TD*	procedures 6
railway	41.:-4 4- 20 44	Timor S	
1	third party access to 39-44		concession over oil-rich area, grant of 3
repeal	Amilian Associates Associate Donosil		negotiations, Australia-East Timor 214
	Arukun Associates Agreement Repeal	44	oil and gas resources, ownership of 1-4
F-4	Act 2004 (QLD) 123	tort	Alien Tent Claims Act (US) A 6 264
safety	Min - H - ald - and Cafety Act 2004		Alien Tort Claims Act (US) 4-6, 264-
	Mine Health and Safety Act 2004		cause of action 269-272
	(NSW) 215-220		
	application 215-216		human rights abuses, use in 5
	obligations under 216-219		judicial cautions 273-274
	mining 299-304		motion to dismiss 63-80
	occupational health and safety 299- 304		non-justiciability 63-80
			norm of customary international law
	breach of 299-304	4 3	266-268
	'concerned in the management of		ractices (see restrictive trade practices)
	corporations' 299-304	Warder	n's Court
	liability, of individuals and		bias 143-144
4.	corporations 299-304		decisions, online 143
tax	1.1.7		functions and powers
	income tax consolidation regime 246-		Mining Act 1978 (WA), under 48-55
	263		certificate of exemption 135-139
	eligibility 248-250	.4	no case submission 34-35
	joint and several liability 253	water	W
	project finance industry 246-263		Water Resources Act 1997 (SA) 227-
	special purpose vehicles 246-263		229
	tax sharing agreements 253-255		existing user 227-229
	group liability 255-257		
	National Standard for the Control of		
	Major Hazard Facilities 239-242		
restricti	ve trade practices		
	joint marketing agreements (see joint ventures)		
	market 187-188		
	oil and gas 195-200 misuse of market power 289-299		
	Trade Practices Act 1974 (Cth) Part IV		
	185-209		
	authorisation 200-208		
	breaches 192-195		
	exemptions 189-192		
	Trade Practices Act 1974 (Cth),		
	construction and application 289-299		
	derivative crown immunity 295-298		
	governmental authority, application		
	to 289-299		
	security, exercising 258-260		