

LEGISLATIVE COUNCIL

Petroleum (Onshore) Amendment (NSW Gas Plan) Bill 2014

First print

Proposed amendments

No. 1 **Expert advisory body**

Page 3, Schedule 1. Insert before line 3:

[1] Section 114

Insert after section 113:

114 CSG Expert Advisory Committee

- (1) The Minister is to establish a committee to be called the CSG Expert Advisory Committee (*the Committee*).
- (2) The members of the Committee are to be appointed by the Minister and must comprise experts from relevant disciplines, particularly information communications technology and the earth and environmental sciences and engineering, but drawing as needed on expertise from the biological sciences, medicine and the social sciences.
- (3) The Committee is to advise the Government on the following matters in relation to activities involving unconventional gas:
 - (a) the overall impact of coal seam gas activities in the State through a published Annual Statement which would draw on a detailed analysis of the data held in the Whole-of-Environment Data Repository to assess impacts, particularly cumulative impacts, at project, regional and sedimentary basin scales,
 - (b) processes for characterising and modelling the sedimentary basins of the State,
 - (c) updating and refining the Risk Management and Prediction Tool,
 - (d) the implications of coal seam gas activity impacts in the State for planning where coal seam gas activity is permitted to occur in the State,
 - (e) new science and technology developments relevant to managing coal seam gas activities and when and whether these developments are sufficiently mature to be incorporated into the State's legislative and regulatory system,
 - (f) specific research that needs to be commissioned regarding coal seam gas activities,

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- (g) how best to work with research and public sector bodies across Australia and internationally and with the private sector on joint research and harmonised approaches to data collection, modelling and scale issues such as subsidence,
 - (h) whether or not unconventional gas extraction industries involving shale gas or tight gas should be allowed to proceed in the State and, if so, under what conditions.

No. 2 **Restrictions on unconventional gas titles**

Page 4, Schedule 1. Insert after line 4:

[2] **Schedule 3**

Insert as Schedule 3:

Schedule 3 Restrictions on unconventional gas petroleum titles

1 Operation

This Schedule has effect despite any other provision of this Act or any authorisation or approval under this Act.

2 Definitions

In this Schedule:

northern rivers area means the area comprising the local government areas of Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Tweed Shire, Richmond Valley and Clarence Valley.

petroleum title relating to unconventional gas means any of the following:

- (a) an exploration licence granting the holder the exclusive right to prospect for unconventional gas on the land comprised in the licence,
- (b) an assessment lease granting the holder the exclusive right to prospect for unconventional gas and to assess any unconventional gas deposit on the land comprised in the lease,
- (c) a production lease granting the holder the exclusive right to conduct petroleum mining operations for unconventional gas in and on the land included in the lease,
- (d) a special prospecting authority granting the holder the exclusive right to conduct speculative geological, geophysical or geochemical surveys or scientific investigations in relation to unconventional gas on and in respect of the land comprised in the authority.

special area means a special area within the meaning of the *Sydney Water Catchment Management Act 1998* or the *Water NSW Act 2014*.

unconventional gas means coal seam gas, shale gas or tight gas.

3 Cancellation of petroleum titles relating to unconventional gas in special areas and northern rivers area

On and from the commencement of this Schedule:

- (a) any petroleum title relating to unconventional gas that is in force solely in relation to land in any special area or the northern rivers area is cancelled and ceases to have effect, and

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- (b) any petroleum title relating to unconventional gas that is in force in relation to land that includes land in any special area or the northern rivers area ceases to have effect in relation to that part of the land that is in the special area or northern rivers area.

4 Permanent prohibition on grant or renewal of petroleum titles relating to unconventional gas in special areas and northern rivers area

The Minister must not grant or renew any petroleum title relating to unconventional gas in relation to land in any special area or the northern rivers area.

5 Compensation not payable

- (1) Compensation is not payable by or on behalf of the State:
 - (a) because of the enactment or operation of this Schedule, the *Petroleum (Onshore) Amendment (NSW Gas Plan) Act 2014* or any Act that amends this Schedule, or
 - (b) because of any direct or indirect consequence of any such enactment or operation (including any conduct under the authority of any such enactment), or
 - (c) because of any conduct relating to any such enactment or operation.

- (2) This clause extends to conduct and any other matter occurring before the commencement of this clause.

- (3) In this clause:

compensation includes damages or any other form of compensation.

conduct includes any statement, or any act or omission:

- (a) whether unconscionable, negligent, false, misleading, deceptive or otherwise, and
- (b) whether constituting an offence, tort, breach of contract, breach of statute or otherwise.

statement includes a representation of any kind, whether made orally or in writing.

the State means the Crown within the meaning of the *Crown Proceedings Act 1988* or an officer, employee or agent of the Crown.