

21 NOVEMBER 2013

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## **MINING AND PETROLEUM LEGISLATION AMENDMENT (PUBLIC INTEREST) BILL 2013**

**Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.  
Second Reading**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney)  
[12.46 p.m.]: I move:

That this bill be now read a second time.

The Independent Commission Against Corruption has, to date, issued three reports arising from Operation Acacia and Operation Jasper, which have unearthed grossly corrupt conduct in relation to the granting of certain coalmining rights at Doyles Creek and Mount Penny respectively. A fourth and final report is expected within weeks. That report will address the additional matters referred to the Independent Commission Against Corruption by Parliament on 23 November 2011 in respect of Doyles Creek, which I asked the Independent Commission Against Corruption to also address in respect of Mount Penny in my letter of 30 January this year. Those matters include what action should be taken by the New South Wales Government with respect to relevant licences and leases; what, if any, amendment should be made to the legislation; and whether the New South Wales Government should commence legal proceedings or take action against any individual or company.

The Government has said consistently that it will wait to receive the advice of the Independent Commission Against Corruption on these matters before considering any specific action with respect to the particular licences and leases under investigation. I had hoped that the report would be available before Parliament rose for the recess. It is now clear that that will not be the case. It is important, therefore, that if it becomes necessary the Government is in a position to take action on the report of the Independent Commission Against Corruption. Currently, there is no general power to cancel a mining exploration licence in circumstances where the granting of the licence or the licence holder is otherwise somehow tainted by corruption.

Accordingly, the bill I introduce seeks to amend the mining and onshore petroleum legislation to ensure that, if and when it becomes necessary to do so, following the report of the Independent Commission Against Corruption the Government will have a specific power to cancel or refuse to renew a licence or other mining title. It is the intention of the Government to use this special power only where the Independent Commission Against Corruption has determined that serious conduct has affected, in some essential respect, the granting of a licence or the licence holder. It is my expectation that, following the recommendations of Independent Commission Against Corruption, it is likely that further amendments to mining legislation will be necessary.

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In that process I also expect that this amendment, and its intent, would be revisited so it can be finetuned to meet the needs of both the public interest and the resources sector. The Government would also consult interested parties about these matters early next year. As I have highlighted previously, our resources industries and their significant capital investments are important to both the State's economy and the employment of family members across New South Wales. I advise the House that the Independent Commission Against Corruption has been informed about our intentions to introduce this bill to help get us through the parliamentary recess. The Independent Commission Against Corruption is supportive of what is proposed.

As I mentioned, the Government will be seeking the expeditious passage of this legislation to ensure that we have the power to act on any Independent Commission Against Corruption recommendations received in respect of Doyles Creek and Mount Penny. These extraordinary measures are needed following extraordinary revelations in the Independent Commission Against Corruption. I thank those opposite for agreeing to give this legislation priority. Hopefully it is a sign that lessons are being learned and, as the public demands, that corrupt practices will be exposed and punished. I commend the bill to the House.

**Mr PAUL LYNCH** (Liverpool) [12.50 p.m.]: I lead for the Opposition in this place in debate on the Mining and Petroleum Legislation Amendment (Public Interest Bill) 2013. The shadow Minister with responsibility for this matter is the Hon. Steve Whan in the other place. The object of the bill is to make the public interest a ground, in addition to other grounds, for making a number of decisions in relation to mining or petroleum rights or titles. In principle, the Opposition has no objection to the proposition that has been put by the Premier. We received a copy of the bill only this morning and were given a briefing on it. We need to have a closer look at the technical details, but in principle the bill sounds entirely proper. Indeed, it sounds similar to what the Opposition has been requesting for some time. I do not anticipate that the Opposition will have any difficulties with the bill.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**