



New South Wales

Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make the public interest a ground (in addition to other grounds) for making any of the following decisions relating to mining or petroleum rights or titles:

- (a) a decision to refuse to grant, renew or transfer a mining or petroleum right or title,
- (b) a decision to refuse a tender for a mining right or title,
- (c) a decision to cancel a mining or petroleum right or title, or to suspend operations under a mining or petroleum right or title (in whole or in part),
- (d) a decision to restrict operations under a mining or petroleum right or title by the imposition or variation of conditions of the right or title.

The Bill will extend to pending applications for mining or petroleum rights or titles.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Mining Act 1992 No 29

Schedule 1 gives effect to the Overview above with respect to the *Mining Act 1992*.

**Schedule 2 Amendment of Petroleum (Onshore) Act 1991
No 84**

Schedule 2 gives effect to the Overview above with respect to the *Petroleum (Onshore) Act 1991*.



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New South Wales

Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

No. , 2013

A Bill for

An Act to amend the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* to make the public interest a ground for certain decisions relating to mining or petroleum rights or titles.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Mining and Petroleum Legislation Amendment (Public Interest) Act 2013</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Mining Act 1992 No 29	1
Section 380A		2
Insert after section 380:		3
380A	Public interest relevant ground for making certain decisions about mining rights	4 5
(1)	In this section, <i>mining right</i> means an exploration licence, an assessment lease, a mining lease, a mineral claim or an opal prospecting licence.	6 7
(2)	The public interest is a ground (in addition to any other available ground) on which any of the following decisions may be made under this Act:	8 9
(a)	a decision to refuse to grant, renew or transfer a mining right,	10
(b)	a decision to refuse a tender for a mining right,	11
(c)	a decision to cancel a mining right or to suspend operations under a mining right (in whole or in part),	12 13
(d)	a decision to restrict operations under a mining right by the imposition or variation of conditions of a mining right.	14 15
(3)	To avoid doubt, sections 127 (1) and 205 (1) extend to the cancellation of a mining right under this section.	16 17
(4)	This section has effect despite anything to the contrary in this Act.	18
(5)	This section applies to any decision made after the commencement of this section, including:	19 20
(a)	a decision with respect to an application or other matter that was pending on that commencement, and	21 22
(b)	a decision that is based on conduct that occurred, or on a matter that arose, before that commencement.	23 24

Schedule 2	Amendment of Petroleum (Onshore) Act 1991	1
	No 84	2
[1]	Section 21 Grounds on which application may be refused	3
	Omit “, or” from section 21 (d) and omit section 21 (e).	4
[2]	Section 24A	5
	Insert after section 24:	6
24A	Public interest relevant ground for making certain decisions about petroleum titles	7
		8
(1)	The public interest is a ground (in addition to any other available ground) on which any of the following decisions may be made under this Act:	9
		10
(a)	a decision to refuse to grant, renew or transfer a petroleum title,	11
(b)	a decision to cancel a petroleum title or to suspend operations under a petroleum title (in whole or in part),	12
		13
(c)	a decision to restrict operations under a petroleum title by the imposition or variation of conditions of a petroleum title.	14
		15
(2)	To avoid doubt, section 22 (5) extends to the cancellation of (or suspension of operations under) a petroleum title under this section.	16
		17
(3)	This section has effect despite anything to the contrary in this Act.	18
(4)	This section applies to any decision made after the commencement of this section, including:	19
		20
(a)	a decision with respect to an application or other matter that was pending on that commencement, and	21
		22
(b)	a decision that is based on conduct that occurred, or on a matter that arose, before that commencement.	23
		24