

Passed by both Houses



New South Wales

# Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2013*



New South Wales

## **Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013**

Act No      , 2013

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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.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Mining and Petroleum Legislation Amendment (Public Interest) Act 2013*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Mining Act 1992 No 29

### Section 380A

Insert after section 380:

#### **380A Public interest relevant ground for making certain decisions about mining rights**

- (1) In this section, *mining right* means an exploration licence, an assessment lease, a mining lease, a mineral claim or an opal prospecting licence.
- (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:
  - (a) a decision to refuse to grant, renew or transfer a mining right,
  - (b) a decision to refuse a tender for a mining right,
  - (c) a decision to cancel a mining right or to suspend operations under a mining right (in whole or in part),
  - (d) a decision to restrict operations under a mining right by the imposition or variation of conditions of a mining right.
- (3) To avoid doubt, sections 127 (1) and 205 (1) extend to the cancellation of a mining right under this section.
- (4) This section has effect despite anything to the contrary in this Act.
- (5) This section applies to any decision made after the commencement of this section, including:
  - (a) a decision with respect to an application or other matter that was pending on that commencement, and
  - (b) a decision that is based on conduct that occurred, or on a matter that arose, before that commencement.

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

**[1] Section 21 Grounds on which application may be refused**

Omit “, or” from section 21 (d) and omit section 21 (e).

**[2] Section 24A**

Insert after section 24:

**24A Public interest relevant ground for making certain decisions about petroleum titles**

- (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:
  - (a) a decision to refuse to grant, renew or transfer a petroleum title,
  - (b) a decision to cancel a petroleum title or to suspend operations under a petroleum title (in whole or in part),
  - (c) a decision to restrict operations under a petroleum title by the imposition or variation of conditions of a petroleum title.
- (2) To avoid doubt, section 22 (5) extends to the cancellation of (or suspension of operations under) a petroleum title under this section.
- (3) This section has effect despite anything to the contrary in this Act.
- (4) This section applies to any decision made after the commencement of this section, including:
  - (a) a decision with respect to an application or other matter that was pending on that commencement, and
  - (b) a decision that is based on conduct that occurred, or on a matter that arose, before that commencement.