



New South Wales

Petroleum (Onshore) Amendment (Liverpool Plains Prohibition) Bill 2023

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Petroleum (Onshore) Act 1991* to prevent the granting of petroleum titles in the Liverpool Plains, Gunnedah, Narrabri and Warrumbungle Shire local government areas (the *Liverpool Plains gas exclusion zone*), and
- (b) to amend the *Environmental Planning and Assessment Act 1979* to prohibit development for the purpose of facilitating petroleum extraction in the Liverpool Plains gas exclusion zone.

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 Petroleum (Onshore) Act 1991 No 84**

Schedule 1[1] inserts a definition of *Liverpool Plains gas exclusion zone*.

Schedule 1[2] amends section 9(1) to provide that a petroleum title must not be granted over land in the Liverpool Plains gas exclusion zone.

Schedule 1[3] inserts proposed section 10 to provide—

- (a) for the cancellation of petroleum titles in the Liverpool Plains gas exclusion zone that have been granted, but for which no mining operations have begun, and
- (b) for the deemed refusal of the following applications if the application has not been determined on the commencement of the proposed section—
 - (i) an application for a petroleum title over land in the Liverpool Plains gas exclusion zone,
 - (ii) an application to renew a petroleum title over land in the Liverpool Plains gas exclusion zone, and
- (c) that no compensation is payable because of the operation of the proposed section.

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 2 inserts proposed section 10.17 to prohibit the carrying out, in the Liverpool Plains gas exclusion zone, of development for the purpose of facilitating petroleum extraction in the zone.



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New South Wales

Petroleum (Onshore) Amendment (Liverpool Plains Prohibition) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Petroleum (Onshore) Act 1991* to prohibit prospecting for, or mining of, coal seam gas in the Liverpool Plains area; to prohibit development for the purposes of coal seam gas prospecting or mining in the Liverpool Plains area; and for related purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

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This Act is the *Petroleum (Onshore) Amendment (Liverpool Plains Prohibition) Act 2023*.

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2 Commencement

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

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Schedule 1	Amendment of Petroleum (Onshore) Act 1991 No 84	1
		2
[1] Section 3 Definitions		3
	Insert in alphabetical order in section 3(1)—	4
	<i>Liverpool Plains gas exclusion zone</i> means the following local government areas—	5
	(a) Liverpool Plains,	6
	(b) Gunnedah,	7
	(c) Narrabri,	8
	(d) Warrumbungle Shire.	9
		10
[2] Section 9 Areas over which petroleum titles may not be granted		11
	Insert after section 9(1)(a)—	12
	(a1) the Liverpool Plains gas exclusion zone, or	13
[3] Section 10		14
	Insert after section 9—	15
10 Cancellation of petroleum titles in Liverpool Plains gas exclusion zone		16
(1)	If, immediately before the commencement of this section, a petroleum title has been granted in the Liverpool Plains gas exclusion zone, but no mining operations have begun, the petroleum title is cancelled.	17
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(2)	If, immediately before the commencement of this section, 1 or more of the following applications have been made, but not finally determined, the application is taken to be refused—	20
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		22
(a)	an application for a petroleum title in the Liverpool Plains gas exclusion zone,	23
		24
(b)	an application to renew a petroleum title in the Liverpool Plains gas exclusion zone, including a title that would have expired but for the operation of section 20.	25
		26
		27
(3)	Compensation, including the refund of fees, is not payable by or on behalf of the Crown because of—	28
		29
(a)	the enactment or operation of this section, or	30
(b)	a direct or indirect consequence of the enactment or operation of this section, or	31
		32
(c)	conduct relating to the enactment or operation of this section.	33
(4)	The cancellation of a petroleum title does not affect any liability incurred by the holder of the petroleum title before the cancellation took effect.	34
		35

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203 1
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Section 10.17 3

Insert after section 10.16— 4

10.17 Development for petroleum exploration and production in Liverpool Plains gas exclusion zone prohibited 5
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(1) Despite a provision of this Act or another law, a person must not, in the Liverpool Plains gas exclusion zone, carry out development for the purposes of undertaking the following in the zone— 7
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(a) petroleum exploration, 10

(b) petroleum production. 11

Maximum penalty—Tier 1 monetary penalty. 12

(2) In this section— 13

drilling has the same meaning as in the *Petroleum (Onshore) Act 1991*. 14

Liverpool Plains gas exclusion zone has the same meaning as in the *Petroleum (Onshore) Act 1991*. 15
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petroleum has the same meaning as in the *Petroleum (Onshore) Act 1991*. 17

petroleum exploration means prospecting under an exploration licence, assessment lease or production lease under the *Petroleum (Onshore) Act 1991*. 18
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petroleum production means the recovery, obtaining or removal of petroleum under a production lease under the *Petroleum (Onshore) Act 1991*, including— 20
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(a) the construction and operation of associated petroleum related works, and 23
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(b) the drilling and operation of wells. 25

petroleum related works means works, structures or equipment ancillary or incidental to petroleum production, including works, structures and equipment that a production lease under the *Petroleum (Onshore) Act 1991* entitles the lease holder to construct or maintain. 26
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well has the same meaning as in the *Petroleum (Onshore) Act 1991*. 30