



New South Wales

Mining Amendment (Mineral Claims—Opal) Bill 2023

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Mining Act 1992* (the *principal Act*) to validate certain mineral claims purportedly in effect since 2015 (*affected mineral claims*) and set out other related matters, including to—

- (a) make clear that an affected mineral claim is validly granted, renewed or transferred, by inserting certain proposed provisions related to—
 - (i) expired and current affected mineral claims, and
 - (ii) applications related to affected mineral claims, and
 - (iii) ensuring relevant decision-makers have adequate powers in relation to the determination or redetermination of affected mineral claims and that the process complements the existing determination process in the principal Act, and
- (b) ensure a person who had a mineral claim transferred or devolved to the person is not disadvantaged by a failure to comply with the principal Act, section 266(4) between 1 January 2015 and 13 February 2023 (the *relevant period*), and
- (c) ensure compliance action may be taken if a person failed to comply with a condition of an affected mineral claim during the relevant period, and
- (d) make clear that it was lawful for the Department of Regional NSW to collect or refund fees, levies and duties in relation to affected mineral claims before, on and after the commencement of the proposed Act, and
- (e) make clear that claims cannot be made against the State, the Minister, the Secretary or a member of staff of the Department of Regional NSW, or any other person, in relation to any

loss or harm arising from or related to the non-compliance with the principal Act, section 266(4).

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.

Schedule 1 gives effect to the object of this Bill by inserting certain proposed provisions into the *Mining Act 1992*.

Schedule 2 makes a consequential amendment to the *Native Title (New South Wales) Act 1994*.