

The objects of this Bill are as follows:

- (a) to remove the general prohibition on prospecting for uranium in New South Wales,
- (b) to enable exploration licences and associated permits (but no other licences or authorities) to be granted under the *Mining Act 1992* to prospect for uranium,
- (c) to apply to uranium prospecting the State environmental planning policy applicable to other mineral exploration,
- (d) to vest all uranium in New South Wales in the Crown and to exclude compensation for that vesting,
- (e) to make other consequential amendments.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Mining Act 1992 No 29

Schedule 1 [1] prohibits an authorisation from being granted under the *Mining Act 1992* in respect of uranium, other than an exploration licence or an environmental assessment permit relating to an exploration licence. Section 5 of that Act makes it an offence to prospect for minerals without an authorisation.

Schedule 1 [2] makes uranium in the State the property of the Crown and deems that to have always been the case. No compensation will be payable for uranium that was at any time vested in a person other than the Crown or for any rights or interests of a person other than the Crown that are affected by the vesting. All Crown grants and leases and every licence or any other kind of tenure relating to Crown lands will also be taken to contain a reservation to the Crown of uranium.

Schedule 1 [3] enables regulations containing savings or transitional provisions to be made as a consequence of the proposed Act.

Schedule 1 [4] amends the definition of *mineral* to remove the exclusion of uranium as a mineral that may be covered by the *Mining Act 1992*.

Schedule 1 [5] inserts a definition of *uranium*, to include uranium minerals and uranium ores.

Schedule 2 Amendment of Mining Regulation 2010

Schedule 2 [1] prescribes uranium as a mineral for the purposes of the *Mining Act 1992*. The effect of this is that the Act's requirements for prospectors to hold an authorisation will apply to persons mining or prospecting for uranium. The amendment made by **Schedule 1 [1]** prevents an authorisation other than an exploration licence (or an associated environmental assessment permit) from being issued, with the result that other authorisations including mining leases cannot be issued.

Schedule 2 [3] prescribes the group of minerals for uranium for the purposes of the issue of exploration licences. Thorium will also be included in the new group and

Schedule 2 [2] removes it from its current group.

Schedule 2 [4] prescribes the fees for applications for exploration licences for uranium.

Schedule 2 [5] provides for thorium to be treated as remaining in its current group of minerals for the purposes of current applications for exploration licences and existing licences and renewals of existing licences

Schedule 3 Amendment of Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 No 194

Schedule 3 [1] removes a reference to prohibiting prospecting for uranium from the objects of the *Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986*.

Schedule 3 [2] omits the definition of *prospect*.

Schedule 3 [3] removes the prohibition on prospecting for uranium.

Schedule 3 [4] amends a provision that would otherwise render inoperative an authority under the *Mining Act 1992* authorising prospecting for uranium.

**Schedule 4 Amendment of Radiation Control Act
1990 No 13**

Schedule 4 makes it clear that all activities relating to radioactive ores (including prospecting for uranium) that are regulated by the *Mine Health and Safety Act 2004* are exempted from the licensing regime established by the *Radiation Control Act 1990*.

**Schedule 5 Amendment of Aboriginal Land Rights
Act 1983 No 42**

Schedule 5 [1] defines uranium to include uranium minerals and uranium ores by adopting the definition of *uranium* to be inserted into the *Mining Act 1992* by the proposed Act.

Schedule 5 [2] and [3] exclude uranium from provisions of the *Aboriginal Land Rights Act 1983* which would otherwise vest the uranium on lands vested in an Aboriginal Land Council in the Council or make certain mining operations subject to the consent of the Council. The exclusions are the same as those that apply in respect of coal and petroleum (which are also vested in the Crown).

**Schedule 6 Amendment of State Environmental Planning Policy (Mining, Petroleum
Production and Extractive Industries) 2007**

Schedule 6 amends the Policy so as to cause it to apply to uranium in the same way as it applies to other minerals. The effect of this is that development for the purposes of exploration for uranium will not require development consent under the *Environmental Planning and Assessment Act 1979* but will instead be subject to the environmental assessment processes set out in Part 5 of that Act.