



New South Wales

Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Bill 2021

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to prohibit the grant of new authorisations to mine or prospect for material under the *Mining Act 1992* on land in the Liverpool Plains, and
- (b) to prohibit the grant of new petroleum titles under the *Petroleum (Onshore) Act 1991* for petroleum mining operations on land in the Liverpool Plains, and
- (c) to ensure pending applications for authorisations or petroleum titles for land in the Liverpool Plains are taken to be refused, including applications for the renewal of expired petroleum titles, and
- (d) to cancel approved authorisations or petroleum titles for land in the Liverpool Plains if prospecting or mining operations have not commenced, and
- (e) to provide that compensation is not payable by or on behalf of the State because of the operation of this proposed Act.

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 inserts proposed section 10B into the *Mining Act 1992* to prohibit the grant of a new authorisation to mine or prospect any material on land in the Liverpool Plains.

The proposed section provides that an application for an authorisation made but not finally determined before the commencement of the proposed Act is taken to be refused.

The proposed section also cancels an approved authorisation for land in the Liverpool Plains if prospecting or mining operations have not commenced.

Compensation is not payable by or on behalf of the State because of the operation of the proposed section.

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

Schedule 2 inserts proposed Part 2A into the *Petroleum (Onshore) Act 1991* to prohibit the grant of a new petroleum title under the *Petroleum (Onshore) Act 1991* for land in the Liverpool Plains.

The proposed Part provides that an application for a petroleum title made but not finally determined before the commencement of the proposed Act is taken to be refused. Further, an application for an expired, unused petroleum title may not be enlivened by way of the *Petroleum (Onshore) Act 1991*, section 20 and is also taken to be refused.

The proposed Part also cancels an approved petroleum title for land in the Liverpool Plains if petroleum mining operations have not commenced.

Compensation is not payable by or on behalf of the State because of the operation of the proposed Part.



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New South Wales

Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Bill 2021

No. , 2021

A Bill for

An Act to prohibit the grant of new mining authorisations and petroleum titles for land in the Liverpool Plains; and for related purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

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This Act is the *Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Act 2021*.

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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 Mining Act 1992 No 29	1
Section 10B		2
Insert after section 10A—		3
10B	Prohibition on grant of authorisations in the Liverpool Plains	4
(1)	This section applies to an authorisation to mine or prospect for material on land in the Liverpool Plains (a <i>Liverpool Plains authorisation</i>).	5 6
(2)	A Liverpool Plains authorisation may not be granted after the commencement of this section.	7 8
(3)	An application or tender for a Liverpool Plains authorisation made but not finally determined before the commencement of this section is taken to be refused.	9 10 11
(4)	If, immediately before the commencement of this section, a Liverpool Plains authorisation has been granted but the holder of the authorisation has not commenced prospecting or mining operations, the Liverpool Plains authorisation is cancelled.	12 13 14 15
(5)	Compensation is not payable by or on behalf of the State—	16
	(a) because of the enactment or operation of this section, or	17
	(b) because of a direct or indirect consequence of the enactment or operation, including conduct under the authority of the enactment, or	18 19
	(c) because of conduct relating to the enactment or operation.	20
(6)	In this section—	21
	<i>compensation</i> includes damages or any other form of monetary compensation.	22
	<i>conduct</i> includes an act or omission, whether unconscionable, misleading, deceptive or otherwise.	23 24
	<i>Liverpool Plains</i> means land within the following areas—	25
	(a) the local government area of Liverpool Plains Shire,	26
	(b) the local government area of Gunnedah Shire,	27
	(c) the town of Boggabri,	28
	(d) the town of Rocky Glen,	29
	(e) the town of Bomera,	30
	(f) the town of Premer.	31

Schedule 2	Amendment of Petroleum (Onshore) Act 1991 No 84	1
		2
Part 2A		3
Insert after Part 2—		4
Part 2A	Liverpool Plains prohibition	5
7A	Prohibition on grant of new petroleum titles in the Liverpool Plains	6
(1)	This section applies to a petroleum title for land in the Liverpool Plains (a <i>Liverpool Plains petroleum title</i>).	7 8
(2)	A Liverpool Plains petroleum title may not be granted after the commencement of this section.	9 10
(3)	If, immediately before the commencement of this section, a Liverpool Plains petroleum title has been granted but the holder of the title has not commenced prospecting or mining operations, the Liverpool Plains petroleum title is cancelled.	11 12 13 14
(4)	Section 20 does not apply to an application for the renewal of a Liverpool Plains petroleum title.	15 16
(5)	The following applications made but not finally determined before the commencement of this section are taken to be refused—	17 18
(a)	an application for a Liverpool Plains petroleum title,	19
(b)	an application for renewal of a Liverpool Plains petroleum title that would be expired but for the operation of section 20.	20 21
(6)	Compensation is not payable by or on behalf of the State—	22
(a)	because of the enactment or operation of this section, or	23
(b)	because of a direct or indirect consequence of the enactment or operation, including conduct under the authority of the enactment, or	24 25
(c)	because of conduct relating to the enactment or operation.	26
(7)	In this section—	27
	<i>compensation</i> includes damages or any other form of monetary compensation.	28
	<i>conduct</i> includes any act or omission, whether unconscionable, misleading, deceptive or otherwise.	29 30
	<i>Liverpool Plains</i> means land within the following areas—	31
(a)	the local government area of Liverpool Plains Shire,	32
(b)	the local government area of Gunnedah Shire,	33
(c)	the town of Boggabri,	34
(d)	the town of Rocky Glen,	35
(e)	the town of Bomera,	36
(f)	the town of Premer.	37