



New South Wales

Mining and Petroleum Legislation Amendment Bill 2022

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 ***Mining Act***) and the *Petroleum (Onshore) Act 1991* (the ***PO Act***) to make further provision in relation to the regulation of the prospecting for, and mining of, minerals and petroleum.

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], [33], [34], [161] and [177] amend references to certain persons.

Schedule 1[5] inserts a defence to a prosecution for certain offences relating to mining for mercury.

Schedule 1[6] restricts the grant of a mining lease in respect to mercury.

Schedule 1[7], [8], [10], [12]–[19], [21]–[26], [28]–[29], [31]–[32], [46]–[47] and [60] make amendments in relation to machinery provisions relating to authorisations, including amendments in relation to the following matters—

- (a) applications and tenders for, and grants of, authorisations,

- (b) the process for making applications for operational allocation licences and fees for market interest tests,
- (c) the rejection of applications where evidence of a required development consent is not provided within a prescribed period,
- (d) consent required before the exercise of certain rights in exempted areas.

Schedule 1[9], [11], [20], [27], [80], [110], [162] and [168] provide for the regulations to specify notice requirements in relation to certain matters.

Schedule 1[35], [36], [158] and [159] provide for the regulations to impose requirements in relation to the suspension of mining operations, including a requirement for the holder of a mining lease to obtain the consent of a specified person.

Schedule 1[37]–[45] make amendments in relation to the renewal and transfer of exploration licences, assessment leases and mining leases (each an *authority*).

Schedule 1[50] makes it an offence to carry out prospecting operations on land not in accordance with an access arrangement or arrangements applying to the land.

Schedule 1[48] and [68] amend provisions in relation to the death, bankruptcy or incapacitation of applicants for authorities and mineral claims.

Schedule 1[49], [51]–[53] and [55]–[58] amend provisions relating to certain records and registers kept under the Mining Act, including dealing with access to the records and registers.

Schedule 1[54] and [66] amend provisions enabling a person on whom the rights of the holder of an authority or a mineral have devolved to apply to the Minister to have the person's name recorded as the holder of the authority or claim.

Schedule 1[59] makes it clear that authorities held by 2 or more persons may be held as joint tenants or tenants in common.

Schedule 1[61], [62] and [73]–[75] make amendments in relation to making agricultural land objections in relation to mineral claims and opal prospecting areas.

Schedule 1[63], [124], [125], [128] and [180] remove references to a “mining registrar” or replace them with references to the “decision-maker”.

Schedule 1[64], [65] and [67] make amendments relating to the renewal, transfer and cancellation of mineral claims.

Schedule 1[69] makes it clear that mineral claims held by 2 or more persons may be held as joint tenants or tenants in common.

Schedule 1[70], [71], [77] and [79] deal with records and registers in relation to mineral claims and opal prospecting licences and public access to the records and registers.

Schedule 1[72] and [78] omit redundant provisions that provide for a district management fund for each mineral claims district and opal prospecting area.

Schedule 1[76] and [160] consolidate duplicated provisions relating to conditions on opal prospecting licences.

Schedule 1[81]–[89] amend provisions in relation to the giving of certain directions under the Mining Act, Part 11, Division 3 (Environmental, rehabilitation and other directions).

Schedule 1[90] specifies the ways in which the Secretary may invest money in the Derelict Mine Sites Fund.

Schedule 1[92], [136], [157], [163], [164] and [181] remove or replace references to provisions in the *Environmental Planning and Assessment Act 1979*.

Schedule 1[93] and [94] amend a provision relating to permits to enter land for certain purposes.

Schedule 1[95]–[109] amend provisions relating to the imposition of a condition on an authorisation for the holder of the authorisation to provide and maintain a security deposit (a *security deposit condition*), including amendments in relation to the following matters—

- (a) the content of requirements that may be imposed by a security deposit condition,
- (b) the variation of a security deposit condition,
- (c) the imposition of a security deposit condition on the renewal and transfer of an authorisation,
- (d) the assessment of the amount of a security deposit, including a group security deposit,
- (e) the review of assessed security deposit amounts,
- (f) a change in the minimum deposit for an authorisation or the minimum amount for a group security deposit,
- (g) a power for the regulations to specify requirements to be included in a security deposit condition,
- (h) the use and investment of money obtained under a security deposit,
- (i) the lapse of a security deposit.

Schedule 1[113]–[121] amend provisions in relation to fees and levies, including in relation to the following matters—

- (a) the payment of an annual rental fee and an annual administrative levy for an authorisation,
- (b) the calculation of the amount of an annual administrative levy,
- (c) late payment fees,
- (d) certain preconditions that must be met before the Minister recommends the making of a regulation regarding certain levies or fees,
- (e) the effect of a suspension of an activity approval on a person's liability to pay an authorisation fee.

Schedule 1[122] inserts proposed Part 14AB to provide for the payment of operational allocation charges.

Schedule 1[123] establishes the Royalties for Rejuvenation Fund and the Coal Authorities Allocations Fund in the Special Deposits Account. The proposed amendments set out certain matters in relation to the Funds, including the objects of the Funds, money payable into the Funds and the purposes for which money in the Funds may be applied. The proposed amendment also provides for the establishment of 1 or more advisory panels in relation to the Royalties for Rejuvenation Fund to advise the Minister at the Minister's request and make recommendations about payments from the Fund and other matters prescribed by the regulations. **Schedule 1[151]** provides for the Secretary to review certain Royalties for Rejuvenation Fund sections 3 years after the commencement of the sections.

Schedule 1[126] clarifies that a prohibition on certain persons from holding a direct or indirect beneficial interest in an authority or small-scale title does not prevent the Secretary from holding an authorisation on behalf of the Crown. **Schedule 1[129]** enables the Secretary to apply for an authorisation on behalf of the Crown.

Schedule 1[127] amends a provision relating to the information to which an information sharing arrangement may relate.

Schedule 1[130]–[133] amend provisions relating to offences and enforcement, including to—

- (a) expand the offence of obstructing certain persons in the exercise of a function under the Mining Act, and
- (b) deal with the time within which certain summary proceedings may be commenced.

Schedule 1[135] re-enacts a provision vesting certain coal in the Crown that is currently contained in the *Coal Acquisition Act 1981*.

Schedule 1[139] enables a decision-maker to reject an application under the Mining Act because the application is incomplete.

Schedule 1[140] provides for—

- (a) an application or tender to be made in an approved form, and
- (b) the regulations to prescribe certain matters in relation to an application, tender, document, thing or information required or authorised to be given to a person under the Mining Act.

Schedule 1[141]–[143] expand a provision relating to the waiver or refund of fees to include charges.

Schedule 1[144] enables certain applications and information or documents to be amended by the applicant at any time before the decision-maker decides the relevant application.

Schedule 1[145]–[147] amend a provision in relation to the service of documents.

Schedule 1[148] expands a provision enabling a notice to be given to a person outside the State and, in relation to a matter that occurs or is located outside the State, to also apply to a direction.

Schedule 1[150] inserts a power for the Minister to waive a requirement of a kind specified by the regulations.

Schedule 1[152] inserts proposed Part 18, Division 2 to deal with persons who are not fit and proper persons for authorisations, including to—

- (a) provide for declarations that certain persons are not fit and proper persons for authorisations (a *declared person*), and
- (b) specify decisions that can be made in relation to authorisations and declared persons, and
- (c) provide for the review of a decision made under the proposed Division, and
- (d) specify circumstances in which the grant, renewal or transfer of a mining lease may be refused under the proposed Division.

Schedule 1[137] makes a consequential omission.

Schedule 1[153] inserts proposed Part 18, Division 3 to impose requirements on certain corporations to notify the Secretary if an external administrator is appointed, a winding up occurs or the corporation is deregistered. The Secretary may reject an application made by the corporation in relation to an authority, cancel an authority held by the corporation or remove the corporation as the applicant for, or the holder of, the authority.

Schedule 1[154] provides that a participation charge for a competitive selection application is payable in certain circumstances.

Schedule 1[155] and [156] make amendments in relation to the consideration of applications for authorisations.

Schedule 1[166] and [167] deal with the making of objections by the landholder to the granting of mining leases over agricultural land and the circumstances in which a mining lease may be granted over agricultural land without the consent of the landholder.

Schedule 1[169]–[173] amend provisions in relation to the determination of agricultural land, including to—

- (a) enable the Secretary of the Department or delegate to refuse to make a decision that land is agricultural land in certain circumstances, and
- (b) specify requirements in relation to objections made under certain sections of the Mining Act, and
- (c) provide for the consequences of a transfer of land on a pending objection, and
- (d) amend a provision requiring the Secretary to issue a certificate in certain circumstances, and

- (e) provide for the commissioning of experts and the making of submissions for the purpose of deciding whether land is agricultural land.

Schedule 1[174] and [175] amend regulation-making provisions.

Schedule 1[178] inserts savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 1[3], [4], [91], [111], [112], [179] and [182]–[185] insert, amend, update or omit definitions.

Schedule 1[2], [30], [134], [138], [149], [165] and [176] make minor or consequential amendments.

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

Schedule 2[1]–[3] insert or amend definitions.

Schedule 2[4]–[25] make amendments in relation to petroleum titles, including amendments in relation to the following matters—

- (a) applications for petroleum titles, including the amendment of applications,
- (b) the granting of petroleum titles,
- (c) the renewal of petroleum titles,
- (d) the omission of a fit and proper person consideration in relation to certain decisions about petroleum titles,
- (e) making it clear that petroleum titles held by 2 or more persons may be held as joint tenants or tenants in common,
- (f) the consequences of the death, bankruptcy or incapacitation of an applicant for a petroleum title,
- (g) the devolution of rights of the holder of a petroleum title,
- (h) exploration licences, including approvals for certain assessable prospecting operations on land over which the licence is granted,
- (i) assessment leases, including approvals for certain assessable prospecting operations on land over which the lease is granted,
- (j) special prospecting authorities,
- (k) production leases,
- (l) requirements for certain notices to be published in the way specified in the regulations.

Schedule 2[30] enables the Minister to reject an application for a production lease where a development consent is required and the applicant has failed to provide evidence of certain matters in relation to the development consent.

Schedule 2[31] makes it an offence to carry out prospecting operations on land not in accordance with an access arrangement or arrangements applying to the land.

Schedule 2[32] amends a provision requiring the Secretary to keep a register of arbitrated access arrangements and related information prescribed by the regulations.

Schedule 2[37] amends a provision relating to the giving of certain directions under the PO Act, Part 6, Division 1 (Environmental, rehabilitation and other directions).

Schedule 2[41] and [42] deal with petroleum mining well-heads.

Schedule 2[43]–[50] amend provisions in relation to fees and levies, including in relation to the following matters—

- (a) the payment of an annual rental fee and an annual administrative levy,
- (b) the calculation of the amount of an administrative levy, including the omission of a provision providing for the minimum amount of the levy,
- (c) the charging of late payment fees,
- (d) consultation requirements that must be met by the Minister before recommending the making of a regulation regarding certain levies or fees.

Schedule 2[51]–[56] amend provisions relating to certain records and registers, including public access to the records and registers.

Schedule 2[57] imposes requirements on certain corporations to notify the Secretary if an external administrator is appointed, a winding up occurs or the corporation is deregistered. The Secretary may reject an application made by the corporation in relation to a petroleum title, cancel a petroleum title held by the corporation or remove the corporation as the applicant for, or the holder of, the title.

Schedule 2[58] inserts a provision relating to permits to enter land for certain purposes.

Schedule 2[59]–[70] amend provisions relating to petroleum titles subject to a security deposit condition, including amendments in relation to the following—

- (a) security deposits extending to more than 1 petroleum title,
- (b) the imposition of a security deposit condition on the renewal or transfer of a petroleum title,
- (c) the amount of a group security deposit and the assessment of the amount of a security deposit,
- (d) the review of assessed deposits,
- (e) the consequences of a change to an assessed deposit for the validity of a security deposit condition imposed or varied before the change takes effect,
- (f) the ways in which the Minister may invest money obtained under a security deposit.

Schedule 2[71] clarifies that a prohibition on certain persons from holding a direct or indirect beneficial interest in a petroleum title does not prevent the Secretary from holding a title on behalf of the Crown. **Schedule 2[72]** enables the Secretary to apply for a petroleum title on behalf of the Crown.

Schedule 2[73] updates a provision relating to the information to which an information sharing arrangement may relate.

Schedule 2[74]–[77] amend provisions relating to offences and enforcement, including to—

- (a) expand the offence of obstructing certain persons in the exercise of a function under the PO Act, and
- (b) deal with the time within which certain summary proceedings may be commenced.

Schedule 2[79] expands a provision enabling a notice to be given to a person outside the State, and, in relation to a matter that occurs or is located outside the State, to also apply to a direction.

Schedule 2[81] inserts a power for the Minister to waive a requirement of a kind specified by the regulations.

Schedule 2[82] provides for—

- (a) the rejection of certain incomplete applications, and
- (b) applications and tenders to be made in an approved form, and
- (c) the regulations to prescribe certain matters in relation to an application or tender, or a prescribed document, thing or information required or authorised under the PO Act to be given to a person.

Schedule 2[83] and [84] amend a provision in relation to the service of documents.

Schedule 2[85] inserts a regulation making power in relation to the keeping of records and registers and the ways of making registers publicly available for inspection and copying.

Schedule 2[86] inserts proposed Part 14, Division 2 to deal with persons who are not fit and proper persons for petroleum titles, including to—

- (a) provide for declarations that certain persons are not fit and proper persons for petroleum titles, and
- (b) specify decisions that can be made in relation to petroleum titles and declared persons, and
- (c) provide for the review of a decision made under the proposed Division, and
- (d) specify circumstances in which the grant, renewal or transfer of a petroleum title may be refused under the proposed Division.

Schedule 2[87]–[89] make amendments in relation to the consideration of applications for petroleum titles.

Schedule 2[90] amends a provision in relation to the publication of notices.

Schedule 2[91] inserts savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 2[26]–[29], [33]–[36], [38]–[40], [78] and [80] make minor or consequential amendments.



New South Wales

Mining and Petroleum Legislation Amendment Bill 2022

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New South Wales

Mining and Petroleum Legislation Amendment Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* to make further provision about mining and petroleum laws; and for other purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Mining and Petroleum Legislation Amendment Act 2022*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Mining Act 1992 No 29	1
[1] Whole Act		2
	Omit “Director of Planning” wherever occurring. Insert instead “Planning Secretary”.	3
[2] Sections 6(2) and (4) and 63(5), Schedule 1B, clause 7B(3)(b) and Schedule 4, clause 13		4
	Omit “immediate vicinity” wherever occurring. Insert instead “vicinity”.	5
[3] Section 6 Unauthorised carrying out of designated ancillary mining activities		6
	Omit section 6(6). Insert instead—	7
	(6) Meaning of “designated ancillary mining activity”	8
	In this section, <i>designated ancillary mining activity</i> means the following—	9
	(a) the construction, maintenance or use, in or in connection with mining operations, of a reservoir, dam (including a tailings dam), drain or water race,	10
	(b) opal puddling,	11
	(c) the removal, stockpiling or depositing of overburden, ore or tailings to the extent that it is associated with mineral extraction or mineral beneficiation.	12
[4] Section 6(7)		13
	Insert after section 6(6), before the penalty provision—	14
	(7) However, the construction, maintenance or use of a reservoir, dam, drain or water race principally used for purposes not connected with mining or another activity regulated by or under an authorisation is not a <i>designated ancillary mining activity</i> .	15
[5] Section 10 Defences to prosecutions under Part 2		16
	Insert after section 10(3)—	17
	(4) It is a defence to the prosecution of a person for an offence under section 5 or 6 in relation to mining for mercury if the mercury was mined as a by-product of mining for another mineral as authorised under this Act.	18
[6] Section 10B		19
	Insert after section 10A—	20
10B Restriction on grant of mining lease in respect of mercury		21
	A mining lease must not be granted in respect of mercury.	22
[7] Section 13 Application for exploration licence		23
	Omit section 13(4)(a)–(c). Insert instead—	24
	(a) be lodged with the Secretary, and	25
	(b) be accompanied by the application fee prescribed by the regulations, and	26
	(c) be accompanied by the information, if any, specified by the regulations, and	27

[8] Section 13(5) and (6)	1
Omit the subsections.	2
[9] Section 13A Notice of application for exploration licence	3
Omit “in a newspaper circulating generally in the State and in at least one newspaper circulating in the locality of the proposed exploration area” from section 13A(1).	4
Insert instead “in the way specified by the regulations”.	5
[10] Section 13C Application for operational allocation licence by existing authority holders	7
Insert after section 13C(3)—	8
(3A) The decision-maker may, for the purpose of determining whether there is sufficient interest from other potential applicants to justify a competitive selection process for the grant of an exploration licence over the area concerned under subsection (3)(b), conduct a market interest test by seeking expressions of interest from—	9
(a) the applicant under this section, and	10
(b) other potential applicants.	11
(3B) The market interest test may be conducted over an area that differs in size and shape from the area concerned under subsection (3)(b).	12
(3C) An expression of interest given in response to a market interest test must be accompanied by a market interest charge of the amount, if any, prescribed by the regulations.	13
[11] Section 14 Invitations for tenders	14
Omit section 14(2). Insert instead—	15
(2) The Minister may, by notice published in the way specified by the regulations, invite tenders for an exploration licence for an allocated mineral, other than an exploration (mineral owner) licence for an allocated mineral.	16
[12] Sections 14(3)(c) and 52(3)(c)	17
Omit “place at which” wherever occurring. Insert instead “way in which”.	18
[13] Section 15 Tenders	19
Omit section 15(2)(a) and (c). Insert instead—	20
(a) information, if any, specified by the regulations,	21
[14] Section 22 Power of decision-maker in relation to applications	22
Omit section 22(3). Insert instead—	23
(3) The decision-maker may grant—	24
(a) a single exploration licence for 2 or more applications made by the same applicant, or	25
(b) 2 or more exploration licences to an applicant for a single application.	26
[15] Section 23A Activity approval required for assessable prospecting operations	27
Omit section 23A(3). Insert instead—	28
(3) An application for an activity approval must include the information, if any, prescribed by the regulations.	29

(3A)	The decision-maker may require the holder of an exploration licence to provide further information as required by the decision-maker, within the time specified by the decision-maker, before considering the application or at any time during consideration of the application.	1 2 3 4
[16]	Section 25 Shape and dimensions of land over which exploration licence may be granted	5 6
	Insert after section 25(2)—	7
	(2A) Subsection (2)—	8
	(a) extends to the grant of a single exploration licence for 2 or more applications made by the same applicant, and	9 10
	(b) as extended, applies as if the land over which the exploration licence was sought was the land over which the 2 or more exploration licences were sought.	11 12 13
[17]	Section 30 Exempted areas	14
	Omit section 30(1). Insert instead—	15
	(1) The holder of an exploration licence may not, except with the consent of the Minister, exercise a right conferred by the licence within the following land—	16 17
	(a) land in a state conservation area within an exempted area,	18
	(b) other land in an exempted area, unless an access arrangement under section 140 applies to the land.	19 20
[18]	Section 33 Application for assessment lease	21
	Omit section 33(4)(a)–(c). Insert instead—	22
	(a) be lodged with the Secretary, and	23
	(b) be accompanied by the application fee prescribed by the regulations, and	24 25
	(c) be accompanied by the information, if any, specified by the regulations, and	26 27
[19]	Section 33(5) and (6)	28
	Omit the subsections.	29
[20]	Sections 33A(1) and 51A(1)	30
	Omit “in a newspaper circulating generally in the State and in at least one newspaper circulating in the locality concerned” wherever occurring.	31 32
	Insert instead “in the way specified by the regulations”.	33
[21]	Section 41 Power of decision-maker in relation to applications	34
	Insert after section 41(1)—	35
	(2) The decision-maker may grant—	36
	(a) a single assessment lease for 2 or more applications made by the same applicant, or	37 38
	(b) 2 or more assessment leases to an applicant for a single application.	39

[22] Section 43 Shape and dimensions of land over which assessment lease may be granted	1
Insert at the end of the section—	2
(2) Subsection (1)—	3
(a) extends to the grant of a single assessment lease for 2 or more applications made by the same applicant, and	4
(b) as extended, applies as if the land over which the assessment lease was sought was the land over which the 2 or more assessment leases were sought.	5
	6
	7
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	9
[23] Section 44A Activity approval required for assessable prospecting operations	10
Omit section 44A(3). Insert instead—	11
(3) An application for an activity approval must include the information, if any, prescribed by the regulations.	12
	13
(3A) The decision-maker may require the holder of an assessment lease to provide further information as required by the decision-maker, within the time specified by the decision-maker, before considering the application or at any time during consideration of the application.	14
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	16
	17
[24] Section 48 Exempted areas	18
Omit section 48(1). Insert instead—	19
(1) The holder of an assessment lease may not, except with the consent of the Minister, exercise a right conferred by the lease within the following land—	20
(a) land in a state conservation area within an exempted area,	21
(b) other land in an exempted area, unless an access arrangement under section 140 applies to the land.	22
	23
	24
[25] Section 51 Application for mining lease	25
Omit section 51(4)(a)–(c). Insert instead—	26
(a) be lodged with the Secretary, and	27
(b) be accompanied by the application fee, if any, prescribed by the regulations, and	28
(c) be accompanied by the information, if any, specified by the regulations, and	29
	30
	31
[26] Section 51(5) and (6)	32
Omit the subsections.	33
[27] Section 52 Invitations for tenders	34
Omit section 52(2). Insert instead—	35
(2) The Minister may, by notice published in the way specified by the regulations, invite tenders for a mining lease, other than a mining (mineral owner) lease, for—	36
(a) an allocated mineral within a mineral allocation area, or	37
(b) a controlled release mineral within a controlled release area.	38
	39
	40
[28] Section 53 Tenders	41
Omit section 53(2). Insert instead—	42

(2)	The required information is information, if any, specified by the regulations for the purposes of this section.	1 2
[29]	Section 63 Power of decision-maker in relation to applications	3
	Omit section 63(3). Insert instead—	4
(3)	The decision-maker may grant—	5
(a)	a single mining lease for 2 or more applications made by the same applicant, or	6 7
(b)	2 or more mining leases to an applicant for a single application.	8
[30]	Section 63(6)	9
	Omit the subsection. Insert instead—	10
(6)	A mining lease must not be granted if—	11
(a)	the application for the mining lease is for an ancillary mining activity or activities, and	12 13
(b)	the ancillary mining activity or activities relate only to mining under a mining (mineral owner) lease, and	14 15
(c)	the land that is to be subject to the mining lease is not owned by the holder of the mining (mineral owner) lease.	16 17
[31]	Section 65 Development consents under Environmental Planning and Assessment Act 1979	18 19
	Insert after section 65(4)—	20
(5)	The Minister may reject an application for a mining lease if the applicant, before the expiration of the period, if any, prescribed by the regulations or a longer period specified by the decision-maker, has failed to provide to the Minister evidence that—	21 22 23 24
(a)	an application for the development consent required by this section has been made, or	25 26
(b)	the development consent has been granted and is in force.	27
(6)	To avoid doubt—	28
(a)	an application rejected under this section is taken never to have been made, and	29 30
(b)	the Minister is not required to notify the applicant before the rejection.	31
[32]	Section 69 Shape and dimensions of land over which mining lease may be granted	32
	Insert at the end of the section—	33
(2)	Subsection (1)—	34
(a)	extends to the grant of a single mining lease for 2 or more applications made by the same applicant, and	35 36
(b)	as extended, applies as if the land over which the mining lease was sought was the land over which the 2 or more mining leases were sought.	37 38 39
[33]	Section 88	40
	Omit “Secretary” wherever occurring. Insert instead “Planning Secretary”.	41

[34]	Section 91 Objections to granting of proposed mining lease	1
	Omit “Secretary” from section 91(3). Insert instead “Secretary of the Department”.	2
[35]	Section 100 Conditions of consolidated mining lease	3
	Omit “written consent of the Minister” from section 100(a).	4
	Insert instead “requirements specified by the regulations”.	5
[36]	Section 100(2)	6
	Insert at the end of section 100—	7
	(2) Without limiting other requirements specified by the regulations under subsection (1)(a), the regulations may require the consent of a specified person to be obtained before mining operations in the mining area are suspended.	8 9 10
[37]	Section 113 Applications for renewal	11
	Omit section 113(2). Insert instead—	12
	(2) An application for the renewal of an authority must be lodged with the Secretary within the period, if any, prescribed by the regulations before the authority ceases to have effect.	13 14 15
[38]	Section 113(5A)	16
	Omit the subsection.	17
[39]	Section 114A	18
	Omit the section. Insert instead—	19
114A	Power of decision-maker in relation to renewal applications for exploration licences	20 21
	(1) This section applies if the decision-maker is not satisfied that—	22
	(a) the area of land over which renewal of an exploration licence is sought is genuinely required to support the proposed work program accompanying the application, or	23 24 25
	(b) other special circumstances exist that justify the applicant retaining an area greater in size than that genuinely required to support the proposed work program.	26 27 28
	(2) If this section applies, the decision-maker must—	29
	(a) inform the applicant of—	30
	(i) the decision-maker’s opinion, and	31
	(ii) the area of land over which the decision-maker proposes to renew the exploration licence, and	32 33
	(b) renew the exploration licence only over the area of land the decision-maker considers—	34 35
	(i) to be genuinely required to support the proposed work program, or	36 37
	(ii) for an area greater in size than that genuinely required to support the proposed work program—is justified by special circumstances.	38 39 40

(3)	In deciding whether an area of land is genuinely required to support a proposed work program for the purposes of this section, the decision-maker may have regard to the matters specified by the regulations.	1 2 3
[40]	Section 115 Notice of renewal to be served on holder of authority	4
	Omit section 115(2). Insert instead—	5
(2)	A notice of renewal of an authority must include the information, if any, prescribed by the regulations.	6 7
[41]	Section 116 Application to renew by only some holders of authority	8
	Omit section 116(1). Insert instead—	9
(1)	If an application for the renewal of an authority is not made in the names of all of the holders of the authority, the decision-maker may renew the authority only if satisfied each holder of the authority not applying for its renewal does not wish the authority to be renewed in the person's name.	10 11 12 13
[42]	Section 120 Application for approval of transfer	14
	Omit section 120(2). Insert instead—	15
(2)	An application for approval must—	16
(a)	be lodged with the Secretary, and	17
(b)	include the information, if any, prescribed by the regulations, and	18
(c)	be accompanied by the application fee, if any, prescribed by the regulations.	19 20
[43]	Section 122 Registration of transfers	21
	Insert at the end of section 122(2)(b)—	22
	, and	23
(c)	accompanied by evidence that any security deposit required to be provided under section 261BAA has been provided.	24 25
[44]	Section 122(3)	26
	Omit “the application”.	27
	Insert instead “an application that complies with subsection (2)”.	28
[45]	Section 122(6)	29
	Insert after section 122(5)—	30
(6)	An approval of a transfer of an authority lapses if an application for registration of the transfer under this section has not been made within 3 months after the transferor and transferee of the authority were notified of the approval.	31 32 33 34
[46]	Section 129A	35
	Omit the section. Insert instead—	36
129A	Applications and tenders to be supported by proposed work program	37
	An application for an authority, or a tender, must be accompanied by a proposed work program that—	38 39
(a)	contains the information, if any, required by the regulations, and	40

(b)	complies with the regulations, if any.	1
[47]	Section 133 Nomination of authority holder by applicant or tenderer	2
	Insert after section 133(2)—	3
(3)	To avoid doubt, if 2 or more authorities are to be granted for a single application or tender, the applicant or tenderer may nominate 1 or more other persons under this section to be granted 1 or more of the authorities.	4 5 6
[48]	Section 134	7
	Omit the section. Insert instead—	8
134	Death, bankruptcy and incapacity of applicant	9
(1)	An application for an authority made by an individual who subsequently becomes bankrupt or an incapacitated person or dies—	10 11
(a)	subsists for the benefit of the applicant or the applicant's estate, and	12
(b)	may continue to be dealt with if—	13
(i)	the applicant's representative makes a request under this section, and	14 15
(ii)	the decision-maker accepts the request.	16
(2)	A request must be made in a way and within the period prescribed by the regulations, if any.	17 18
(3)	A decision-maker may reject the application for an authority if—	19
(a)	no request is made within the period prescribed under subsection (2), or	20
(b)	a request is made within the period prescribed, but the decision-maker rejects the request.	21 22
(4)	Without limiting other grounds for which a request may be rejected, a request may be rejected on grounds prescribed by the regulations.	23 24
(5)	A decision-maker, in considering whether to accept a request under this section, may have regard to the following—	25 26
(a)	guidelines issued and made publicly available by the Minister for the purposes of this section, if any,	27 28
(b)	matters prescribed by the regulations for the purposes of this section.	29
(6)	In this section—	30
	<i>representative</i> , for an individual who is bankrupt, an incapacitated person or deceased, has the meaning prescribed by the regulations.	31 32
[49]	Section 139 Arbitration Panel	33
	Omit section 139(7) and (8). Insert instead—	34
(7)	The Secretary must keep a register of the following in a way prescribed by the regulations—	35 36
(a)	the name of each member of the Arbitration Panel,	37
(b)	other information, if any, relating to members of the Arbitration Panel, prescribed by the regulations.	38 39
(8)	The register must be made available for public inspection.	40

[50] Section 140 Prospecting to be carried out in accordance with access arrangement	1
Insert at the end of section 140(1)—	2
Maximum penalty—	3
(a) for a corporation—5,000 penalty units, and, for a continuing offence, a further penalty of 500 penalty units for each day the offence continues, or	4
(b) for an individual—1,000 penalty units or imprisonment for 5 years, or both, and, for a continuing offence, a further penalty of 100 penalty units for each day the offence continues.	5
	6
	7
	8
	9
[51] Section 156A Register of arbitrated access arrangements	10
Omit section 156A(2)–(4). Insert instead—	11
(2) The Secretary must keep a register of the following in a way prescribed by the regulations—	12
(a) the arbitrated access arrangements provided to the Secretary,	13
(b) other information, if any, relating to arbitrated access arrangements, prescribed by the regulations.	14
(3) The register must be made available for public inspection.	15
	16
	17
[52] Section 159 Records	18
Omit section 159(3). Insert instead—	19
(3) The record must be made available for public inspection.	20
(4) Despite subsection (3), the Secretary may decide to keep records relating to the following confidential and not make them publicly available until after the tender or selection process concerned has been completed—	21
(a) a tender made in response to an invitation under section 14,	22
(b) a competitive selection application made in response to an invitation under Schedule 1A.	23
	24
	25
	26
[53] Section 161 Registration of certain interests	27
Omit section 161(9). Insert instead—	28
(9) The register must be made available for public inspection.	29
[54] Section 162	30
Omit the section. Insert instead—	31
162 Devolution of rights of holder of authority	32
(1) A person on whom the rights of the holder of an authority have devolved by operation of law may apply to the Minister to have the person’s name recorded as the holder of the authority.	33
	34
	35
(2) An application must be made in a way prescribed by the regulations.	36
(3) The Minister, if satisfied that the rights of the holder of an authority have devolved by operation of law, may direct the Secretary to record the name of the applicant as the holder of the authority.	37
	38
	39
(4) In considering an application under this section, the Minister must have regard to guidelines issued and made publicly available by the Minister for the purposes of this section, if any.	40
	41
	42

(5)	To avoid doubt, in this section—	1
(a)	rights have devolved by operation of law if the rights have involuntarily passed from 1 person to another by operation of a law, including a transfer caused by death, bankruptcy or insolvency, and	2 3 4
(b)	the granting or registration under this Act of a mining sublease does not result in the devolution of the rights of the holder of the head lease on a person.	5 6 7
[55]	Section 163 Colliery holdings	8
	Omit section 163(1), (2) and (10). Insert in appropriate order—	9
(1)	The Secretary must keep a register of colliery holdings (<i>the register</i>) in a way prescribed by the regulations.	10 11
(2)	The register must include—	12
(a)	the names of colliery holdings and colliery holders, and	13
(b)	information about directions given under this section, and	14
(c)	other information, if any, relating to colliery holdings, prescribed by the regulations.	15 16
(2A)	The register must be made available for public inspection.	17
[56]	Section 163A Registration of mining subleases	18
	Omit section 163A(1) and (8). Insert in appropriate order—	19
(1)	The Secretary must keep a register of mining subleases in a way prescribed by the regulations.	20 21
(1A)	The register must include the information, if any, relating to mining subleases, prescribed by the regulations.	22 23
(1B)	The register must be made available for public inspection.	24
[57]	Section 163A(4)(a)–(d)	25
	Omit the paragraphs.	26
[58]	Section 163A(4)(f)	27
	Omit the paragraph. Insert instead—	28
(f)	other information, if any, prescribed by the regulations.	29
[59]	Section 167 Joint holders of authorities	30
	Insert at the end of the section—	31
(2)	An authority may be held by 2 or more persons as joint tenants or as tenants in common.	32 33
(3)	The Secretary must record that 2 or more holders of an authority hold the authority as tenants in common unless the holders apply, in a way prescribed by the regulations, to hold the authority as joint tenants.	34 35 36
[60]	Section 178 Application for granting of mineral claim	37
	Omit section 178(2). Insert instead—	38
(2)	An application must—	39
(a)	be lodged with the Secretary, and	40

	(b) include the information, if any, prescribed by the regulations, and	1
	(c) be accompanied by the application fee prescribed by the regulations.	2
[61]	Section 179 Objection as to agricultural land	3
	Omit section 179(1)–(3). Insert instead—	4
	(1) A landholder may object to the granting of a mineral claim over land on the basis that the land is agricultural land if—	5
		6
	(a) the landholder has been served with a notice under section 177 in relation to the land, and	7
		8
	(b) the landholder is entitled to use the land for agricultural purposes.	9
	(2) The Secretary is not required to deal with an objection made under this section until the application for the mineral claim has been made under section 178.	10
		11
	(3) Schedule 2 contains provisions dealing with objections.	12
[62]	Section 187 Agricultural land	13
	Insert “, except with the written consent of the landholder,” after “may not” in section 187(1).	14
		15
[63]	Sections 188(6) and 203(1)(g)	16
	Omit “mining registrar” wherever occurring. Insert instead “decision-maker”.	17
[64]	Section 197 Application for renewal of mineral claim	18
	Omit section 197(2)(b). Insert instead—	19
	(b) must be lodged with the Secretary within the period, if any, prescribed by the regulations, before the day on which the claim would otherwise expire.	20
		21
		22
[65]	Section 200 Application for transfer of mineral claim	23
	Omit section 200(2). Insert instead—	24
	(2) An application must—	25
	(a) be lodged with the Secretary, and	26
	(b) include the information, if any, prescribed by the regulations, and	27
	(c) be accompanied by the application fee prescribed by the regulations.	28
[66]	Section 202	29
	Omit the section. Insert instead—	30
	202 Devolution of rights of mineral claim	31
	(1) A person on whom the rights of the holder of a mineral claim have devolved by operation of law may apply to the Secretary to have the person’s name recorded as the holder of the mineral claim.	32
		33
		34
	(2) An application must be made in a way prescribed by the regulations.	35
	(3) The Secretary, if satisfied that the rights of the holder of a mineral claim have devolved by operation of law, may record the name of the applicant as the holder of the mineral claim.	36
		37
		38

(4)	In considering an application under this section, the Secretary must have regard to guidelines issued and made publicly available by the Minister for the purposes of this section, if any.	1 2 3
(5)	To avoid doubt, in this section, rights have devolved by operation of law if the rights have involuntarily passed from 1 person to another by operation of a law, including a transfer caused by death, bankruptcy or insolvency.	4 5 6
[67]	Section 203, heading	7
	Omit “or operational suspension”.	8
[68]	Section 210	9
	Omit the section. Insert instead—	10
210	Death, bankruptcy and incapacity of applicant for grant of mineral claim	11
(1)	An application for a mineral claim made by an individual who subsequently becomes bankrupt or an incapacitated person or dies—	12 13
(a)	subsists for the benefit of the applicant or the applicant’s estate, and	14
(b)	may continue to be dealt with if—	15
(i)	the applicant’s representative makes a request under this section, and	16 17
(ii)	the decision-maker accepts the request.	18
(2)	A request must be made in a way and within the period prescribed by the regulations, if any.	19 20
(3)	A decision-maker may reject the application for a mineral claim if—	21
(a)	no request is made within the period prescribed under subsection (2), or	22
(b)	a request is made within the period prescribed, but the decision-maker rejects the request.	23 24
(4)	Without limiting other grounds for which a request may be rejected, a request may be rejected on grounds prescribed by the regulations.	25 26
(5)	A decision-maker, in considering whether to accept a request under this section, may have regard to the following—	27 28
(a)	guidelines issued and made publicly available by the Minister for the purposes of this section, if any,	29 30
(b)	matters prescribed by the regulations for the purposes of this section.	31
(6)	In this section—	32
	<i>representative</i> , for an individual who is bankrupt, an incapacitated person or deceased, has the meaning prescribed by the regulations.	33 34
[69]	Section 214 Joint holders of mineral claims	35
	Insert at the end of the section—	36
(2)	A mineral claim may be held by 2 or more persons as joint tenants or as tenants in common.	37 38
(3)	The Secretary must record that 2 or more holders of a mineral claim hold the claim as tenants in common unless the holders apply, in a way prescribed by the regulations, to hold the claim as joint tenants.	39 40 41
(4)	To avoid doubt, if 2 or more persons are joint holders of a mineral claim, whether as joint tenants or as tenants in common, each person is taken to hold	42 43

	a whole mineral claim for the purposes of ascertaining compliance with a condition relating to the maximum number of mineral claims that may be held by a person under section 175(2)(c).	1 2 3
[70]	Section 218A Records	4
	Omit section 218A(2) and (3). Insert instead—	5
	(2) The record must be kept in the way, and must include the information, prescribed by the regulations, if any.	6 7
	(3) The record must be made available for public inspection.	8
[71]	Section 218B Registration of certain interests in mineral claims	9
	Omit section 218B(9). Insert instead—	10
	(9) The register must be made available for public inspection.	11
[72]	Section 219A Mineral claims district management fund	12
	Omit the section.	13
[73]	Section 222 Objections	14
	Omit “Such an objection” from section 222(2).	15
	Insert instead “An objection made on a ground referred to in subsection (1)(b)”.	16
[74]	Section 222(3)	17
	Omit the subsection. Insert instead—	18
	(3) Schedule 2 contains provisions dealing with objections made on the ground referred to in subsection (1)(a).	19 20
[75]	Section 223 Certain land not to be included in opal prospecting area	21
	Insert “, except with the written consent of the landholder” after “agricultural land” in section 223(1)(d).	22 23
[76]	Section 229 Conditions of licence	24
	Omit the section.	25
[77]	Section 235A Records	26
	Omit section 235A(2) and (3). Insert instead—	27
	(2) The record must be kept in the way, and must include the information, prescribed by the regulations, if any.	28 29
	(3) The record must be made available for public inspection.	30
[78]	Section 235D Opal prospecting area management fund	31
	Omit the section.	32
[79]	Section 235F Registration of certain interests in opal prospecting licences	33
	Omit section 235F(9). Insert instead—	34
	(9) The register must be made available for public inspection.	35

[80] Section 236J Public notice of access management plans	1
Omit “in a local newspaper circulating in the area in which the land is situated” from section 236J(1).	2 3
Insert instead “in the way specified by the regulations”.	4
[81] Section 239E Interpretation	5
Omit “responsible” wherever occurring in section 239E(2).	6
[82] Section 239E(2)	7
Insert “, controller” after “receiver”.	8
[83] Section 240 Directions	9
Insert after section 240(1)—	10
(1A) The Secretary or an inspector may, by written notice, direct a person to do 1 or more of the following if the person has carried out prospecting, mining or another activity otherwise than in accordance with an authorisation, where an authorisation to carry out the prospecting, mining or activity is required under this Act—	11 12 13 14 15
(a) to address an adverse impact the prospecting, mining or activity has had on 1 or more aspects of the environment,	16 17
(b) to address a risk of there being such an impact,	18
(c) to conserve the environment, protect it from harm as a result of the prospecting, mining or activity or prevent, control or mitigate the harm,	19 20
(d) to rehabilitate land or water that is or may be affected by the prospecting, mining or activity.	21 22
(1B) To avoid doubt, a reference to the environment, land and water in subsections (1) and (1A) includes the environment, land and water in a place regardless of whether the environment, land and water is within or outside an authorisation area.	23 24 25 26
[84] Section 240(2)	27
Omit “responsible”.	28
[85] Section 240(4)	29
Insert “under subsection (1)” after “a direction”.	30
[86] Section 240AA, heading	31
Insert “and activity approvals” after “operations”.	32
[87] Section 240AA(4) and (5)	33
Omit the subsections. Insert instead—	34
(4) The suspension of an authorisation or an activity approval does not affect any liability incurred by the holder of the authorisation or activity approval before the suspension took effect.	35 36 37
(5) The holder of an authorisation or an activity approval is not entitled to compensation merely because of the suspension of operations under the authorisation or activity approval in accordance with a suspension notice.	38 39 40

[88] Section 240C	1
Omit the section. Insert instead—	2
240C Breach of direction or notice	3
(1) A person must comply with a direction or notice issued to the person under this Division, unless the person has a reasonable excuse for not doing so.	4 5
(2) If a person fails, without reasonable excuse, to comply with a direction or notice under this Division in relation to an authorisation, the holder of the authorisation to which the direction or notice relates, if not the person to whom the direction or notice was issued, is also guilty of an offence.	6 7 8 9
Maximum penalty—	10
(a) for a corporation—10,000 penalty units, and, in the case of a continuing offence, a further penalty of 1,000 penalty units for each day the offence continues, or	11 12 13
(b) for an individual—2,000 penalty units, and, in the case of a continuing offence, a further penalty of 200 penalty units for each day the offence continues.	14 15 16
Note— An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 378F.	17 18 19
[89] Section 240E Fee	20
Omit “by the holder of the authorisation concerned” from 240E(3).	21
[90] Section 242C Derelict Mine Sites Fund	22
Insert after section 242C(4)—	23
(5) The Secretary may invest money in the Derelict Mine Sites Fund—	24
(a) if the Department is a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way the Department is permitted to invest money under that Part, or	25 26 27
(b) if the Department is not a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way approved by the Treasurer.	28 29 30
[91] Section 244 Definitions	31
Omit “reserved land” from the definition of <i>landholder</i> .	32
Insert instead “an exempted area”.	33
[92] Section 246P Conditions for mandatory audits	34
Omit section 246P(7). Insert instead—	35
(7) This section does not affect the operation of the <i>Environmental Planning and Assessment Act 1979</i> , section 4.42, 4.50 or 5.24.	36 37
[93] Section 249, heading	38
Omit the heading. Insert instead—	39
249 Entry on land to comply with environmental, rehabilitation and other directions and for other purposes	40 41

[94] Section 249(1)(a)	1
Omit the paragraph. Insert instead—	2
(a) to comply with a direction in force under section 240, or	3
[95] Section 261B Security deposit conditions	4
Omit section 261B(5) and (6). Insert instead—	5
(5) A security deposit condition may require—	6
(a) a single security deposit to be provided and maintained for more than 1 authorisation held by the same person, and	7
(b) the holder of 2 or more authorisations to cause a security deposit that has been provided and maintained for 1 authorisation to be extended to other authorisations held by the holder.	8
(6) To avoid doubt, a security deposit condition for a group security deposit may be varied at the request of the holder of the authorisation or on the decision-maker's initiative—	9
(a) to deal with a further authorisation, or	10
(b) to remove an authorisation from being the subject of the condition.	11
(7) This section does not affect the operation of the <i>Environmental Planning and Assessment Act 1979</i> , section 4.42, 4.50 or 5.24.	12
[96] Section 261BA, heading	13
Insert “or renewed” after “granted”	14
[97] Section 261BA(3)	15
Insert after section 261BA(2)—	16
(3) Subsections (1) and (2) extend to the renewal of an authorisation.	17
[98] Section 261BAA	18
Insert after section 261BA—	19
261BAA Security may be required before transfer of authorities	20
(1) If a decision-maker proposes to approve a transfer of an authority that is not subject to a security deposit condition, the decision-maker may, by notice given to the proposed transferee—	21
(a) advise the proposed transferee that the decision-maker proposes to impose a security deposit condition when the transfer is approved, and	22
(b) require the proposed transferee to provide the security deposit required to be provided and maintained under the condition before the transfer of the authority is registered.	23
(2) If a decision-maker proposes to approve a transfer of an authority that is subject to a security deposit condition, the decision-maker may, by notice given to the proposed transferee, require the proposed transferee to provide the security deposit required to be provided and maintained under the condition before the transfer of the authority is registered.	24
(3) If a decision-maker requires a security deposit to be provided before a transfer of the authority is registered, the transfer of the authority must not be registered under section 122 unless the security deposit is provided.	25

(4)	To avoid doubt, a decision-maker is not required under section 261G to return a security deposit to a transferor of an authority merely because the decision-maker requires or obtains a security deposit from a transferee of the authority or approves the transfer of the authority.	1 2 3 4
(5)	Subsections (1)–(4) apply to a full or partial transfer of an authority.	5
[99]	Section 261BB Amount of security deposit	6
	Insert at the end of the section—	7
(2)	The amount of a group security deposit that may be required by a security deposit condition is—	8 9
(a)	the assessed deposit for the authorisations concerned as at the date the decision-maker imposes or varies the condition, or	10 11
(b)	if there is no assessed deposit for the authorisations—the amount specified under section 261BC(7)(b) as at the date the decision-maker imposes or varies the condition.	12 13 14
[100]	Section 261BC Secretary may assess amount of security deposit	15
	Omit section 261BC(6) and (7). Insert instead—	16
(6)	The Secretary must make an assessment under this section having regard to the following—	17 18
(a)	the estimated cost of fulfilling any obligations under the authorisation or authorisations concerned, including obligations under the authorisation that may arise in the future,	19 20 21
(b)	other matters, if any, prescribed by the regulations.	22
(7)	An assessed deposit must not be less than—	23
(a)	for a group security deposit—the amount prescribed by or calculated in accordance with the regulations,	24 25
(b)	for another security deposit—the minimum deposit for the authorisation.	26 27
[101]	Section 261BD Application for review of assessed deposit	28
	Omit section 261BD(2)(a)–(d). Insert instead—	29
(a)	be made in the way, and contain the information, prescribed by the regulations, if any, and	30 31
[102]	Section 261BE Review of assessed deposit by Minister	32
	Omit section 261BE(2)(a). Insert instead—	33
(a)	must have regard to—	34
(i)	submissions made by the holder of the authorisation in relation to the assessment the subject of the review, and	35 36
(ii)	matters prescribed by the regulations for the purposes of this section, if any, and	37 38
[103]	Section 261BE, note	39
	Omit the note.	40
[104]	Section 261BF Minimum deposit	41
	Omit section 261BF(2). Insert instead—	42

(2)	A change to the following does not affect the validity of a security deposit condition imposed or varied before the change takes effect—	1
	(a) the minimum deposit for an authorisation,	2
	(b) an amount referred to in section 261BC(7)(b).	3
[105]	Section 261C Content of security deposit condition	4
	Omit section 261C(1) and (2). Insert instead—	5
	(1) A security deposit condition, whether in a standard form or otherwise, may include requirements specified for inclusion by the regulations.	6
[106]	Section 261F Claim on and use of security deposit	7
	Omit section 261F(4). Insert instead—	8
	(4) The Minister may invest money obtained under a security deposit—	9
	(a) if the Minister is a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way the Department is permitted to invest money under that Part, or	10
	(b) if the Minister is not a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way approved by the Treasurer.	11
[107]	Section 261F(6)	12
	Insert “or (3A)” after “subsection (3)”.	13
[108]	Section 261G Lapsing of security deposit requirement and return of money	14
	Omit section 261G(1).	15
[109]	Section 261G(4) and (5)	16
	Insert after section 261G(3)—	17
	(4) If a security deposit has lapsed, money obtained under the security deposit that has not been used under section 261F must be paid, without interest, as follows—	18
	(a) to the person who provided the deposit,	19
	(b) if the person who provided the deposit is unable to be located despite reasonable endeavours—to the holder of the authorisation concerned,	20
	(c) if the person who provided the deposit and the holder of the authorisation are unable to be located despite reasonable endeavours—into the Derelict Mine Sites Fund.	21
	(5) To avoid doubt, a security deposit does not lapse merely because the person who provided the deposit—	22
	(a) if the person is an individual—becomes bankrupt or an incapacitated person or dies, or	23
	(b) if the person is a corporation—is wound up or deregistered or becomes a Chapter 5 body corporate within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth.	24
[110]	Section 272 Assessment of compensation	25
	Omit “in a newspaper circulating generally in the State and in one or more newspapers circulating in the locality in which the land concerned is situated” from section 272(1)(b)(i).	26
	Insert instead “in the way specified by the regulations”.	27

[111] Section 292A	1
Omit the section. Insert instead—	2
292A Interpretation	3
(1) In this Part—	4
<i>authorisation fee</i> means an annual rental fee or administrative levy payable under this Part.	5 6
(2) A reference in this Part to when an authorisation is granted or renewed is taken, in relation to a grant or renewal of an authorisation that takes effect under this Act after the date on which it is granted or renewed, to be a reference to when the grant or renewal takes effect.	7 8 9 10
(3) To avoid doubt, if an authorisation fee is payable during the term of an authorisation, the term of the authorisation includes the period occurring after the term for which the authorisation as granted or renewed was due to expire but continues to have effect under section 117.	11 12 13 14
Note— Section 117 provides for the continuation of an authorisation if an application is made for renewal of the authorisation and it is not finally disposed of before the date on which the authorisation would otherwise cease to have effect.	15 16 17
[112] Section 292B Meaning of “grant anniversary date”	18
Omit the section.	19
[113] Section 292E	20
Omit the section. Insert instead—	21
292E Payment of annual rental fee	22
(1) An annual rental fee must be paid for each year the authorisation continues in force.	23 24
(2) An annual rental fee must be paid before the grant of an authorisation.	25
(3) Subsequent annual rental fees must be paid by—	26
(a) the date specified by the Secretary by written notice given to the person liable to pay the fee, or	27 28
(b) if no date is specified—the date prescribed by, or determined in accordance with, the regulations for the purposes of this section.	29 30
(4) In subsection (2), a reference to the grant of an authorisation includes a reference to the taking of action under this Act as a result of which an authorisation is taken to have been granted under this Act.	31 32 33
Note— For example, a partial transfer of an authorisation cannot be registered under section 122(5) until the annual rental fee is paid.	34 35
[114] Section 292H Definitions	36
Omit the definitions of <i>minimum deposit</i> and <i>security deposit condition</i> .	37
[115] Section 292I	38
Omit the section. Insert instead—	39
292I Payment of annual administrative levy	40
(1) The administrative levy payable under this Part for an authorisation, other than a small-scale title, is an annual administrative levy.	41 42

(2)	An annual administrative levy must be paid for each year the authorisation continues in force.	1 2
(3)	An annual administrative levy must be paid before the grant of an authorisation.	3 4
(4)	Subsequent annual administrative levies must be paid by—	5
(a)	the date specified by the Secretary by written notice given to the person liable to pay the fee, or	6 7
(b)	if no date is specified—the date prescribed by, or determined in accordance with, the regulations for the purposes of this section.	8 9
(5)	In subsection (3), a reference to the granting of an authorisation includes a reference to the taking of action under this Act as a result of which an authorisation is taken to have been granted under this Act.	10 11 12
	Note— For example, a partial transfer of an authorisation cannot be registered under section 122(5) until the administrative levy is paid.	13 14
[116]	Section 292K	15
	Omit the section. Insert instead—	16
	292K Amount of annual administrative levy	17
	The amount of an annual administrative levy is the amount calculated in accordance with the regulations.	18 19
[117]	Section 292L Minimum amount of annual administrative levy	20
	Omit the section.	21
[118]	Section 292M	22
	Omit the section. Insert instead—	23
	292M Amount of term administrative levy	24
	The amount of a term administrative levy is the amount calculated in accordance with the regulations.	25 26
[119]	Section 292R Late payment fee	27
	Omit section 292R(1). Insert instead—	28
(1)	If an authorisation fee is not paid within the period required under this Part, the Secretary may charge a late payment fee calculated in accordance with the regulations.	29 30 31
[120]	Section 292RA	32
	Insert after section 292R—	33
	292RA Consultation before regulations regarding fees are made	34
	Before recommending the making of a regulation that specifies or varies a method of calculation of a levy or fee under section 292K, 292M or 292R(1), the Minister must ensure that—	35 36 37
(a)	a notice is published in the way specified by the regulations to bring it to the attention of the public—	38 39
(i)	stating the objects of the proposed regulation, and	40
(ii)	advising where a copy of the regulation may be obtained or inspected, and	41 42

	(iii) inviting comments and submissions within a specified period, but not less than 28 days from publication of the notice, and	1 2
	(b) comments and submissions received within the period specified by the notice are considered.	3 4
[121]	Section 292S Effect of cancellation or suspension	5
	Insert “or suspends an activity approval” after “the authorisation” in section 292S(2).	6
[122]	Part 14AB	7
	Insert after Part 14AA—	8
	Part 14AB Operational allocation charges	9
292SE	Operational allocation charge payable	10
	The holder of a mining lease is liable to pay an operational allocation charge to the Secretary on behalf of the Crown if the holder held an exploration licence granted under section 13C for an operational allocation purpose for any part of the land to which the mining lease relates.	11 12 13 14
292SF	Amount of operational allocation charge	15
	The amount of an operational allocation charge is the amount calculated in accordance with the regulations.	16 17
292SG	Payment of operational allocation charge	18
	The operational allocation charge must be paid at the time or times specified by the regulations.	19 20
292SH	General	21
	Part 14A, Division 5 applies to an operational allocation charge as if it were an authorisation fee.	22 23
[123]	Sections 292W–292Y	24
	Insert after section 292V—	25
292W	Royalties for Rejuvenation Fund	26
	(1) There is established in the Special Deposits Account a fund called the Royalties for Rejuvenation Fund (the <i>Rejuvenation Fund</i>).	27 28
	(2) The object of the Rejuvenation Fund is to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining by supporting other economic diversification in those regions, including by the funding of infrastructure, services, programs and other activities.	29 30 31 32
	(3) The Rejuvenation Fund is to be administered by the Secretary.	33
	(4) There is payable into the Rejuvenation Fund—	34
	(a) money advanced, if any, by the Treasurer for the Rejuvenation Fund, and	35 36
	(b) money appropriated, if any, by Parliament for the purposes of the Rejuvenation Fund, and	37 38
	(c) other money directed or authorised to be paid into the Rejuvenation Fund by or under this or another Act or law, and	39 40

- (d) the proceeds from the investment of money in the Rejuvenation Fund. 1
- (5) There is payable from the Rejuvenation Fund— 2
- (a) money authorised by the Minister to promote the object of the Rejuvenation Fund, but only if the Minister has considered— 3
- (i) advice about the payment given by the Secretary, and 4
- (ii) advice and recommendations given by an Expert Panel if requested by the Minister, and 5
- (b) money required to meet the administrative expenses related to the Rejuvenation Fund, and 6
- (c) money authorised or required to be paid from the Rejuvenation Fund by or under this or another Act or law. 7
- (6) The Secretary may invest money in the Rejuvenation Fund— 10
- (a) if the Department is a GSF agency for the purposes of the *Government Sector Finance Act 2018*, Part 6—in a way the Department is permitted to invest money under that Part, or 11
- (b) if the Department is not a GSF agency for the purposes of the *Government Sector Finance Act 2018*, Part 6—in a way approved by the Treasurer. 12
- (7) The annual report of the Department must include details of the amounts paid from the Rejuvenation Fund during the financial year to which the report relates and the purposes for which those payments were made. 13
- (8) In this section— 14
- affected coal mining region*** means an area of the State prescribed by the regulations for the purposes of this section. 15
- (9) The Minister must not recommend the making of a regulation under subsection (8) unless the Minister is satisfied that the area to be prescribed— 16
- (a) relies, or has relied, on coal mining for employment and economic activity, and 17
- (b) is, or is likely to be, impacted by a transition away from coal mining. 18
- 292X Royalties for Rejuvenation Expert Panel** 19
- (1) The Minister may establish 1 or more advisory panels, called a Royalties for Rejuvenation Expert Panel (a ***Panel***). 20
- (2) A Panel has the following functions— 21
- (a) at the request of the Minister, to advise the Minister and make recommendations about payments from the Rejuvenation Fund, 22
- (b) to advise the Minister about other matters, if any, prescribed by the regulations. 23
- (3) Advice given by a Panel is non-binding. 24
- (4) The regulations may make provision about the following— 25
- (a) the constitution of a Panel, including the appointment and removal of members, 26
- (b) the operations of a Panel, 27
- (c) the governance of a Panel, including integrity and probity matters, 28
- (d) the calling of, and procedure at, meetings of a Panel, including methods of holding meetings. 29

(5)	A Panel is subject to the control and direction of the Minister in the exercise of its functions, except in relation to the contents of any advice given by it.	1 2
(6)	A Panel member is entitled to be paid travelling and other allowances as the Minister may from time to time determine for the member.	3 4
292Y	Coal Authorities Allocations Fund	5
(1)	There is established in the Special Deposits Account a fund called the Coal Authorities Allocations Fund.	6 7
(2)	The Coal Authorities Allocations Fund is to be administered by the Secretary.	8
(3)	There is payable into the Coal Authorities Allocations Fund—	9
(a)	market interest charges payable under section 13C(3C), and	10
(b)	mandatory participation charges payable under Schedule 1A, clause 3A, and	11 12
(c)	amounts of consideration paid under Schedule 1A, clause 5, and	13
(d)	operational allocation charges payable under Part 14AB, and	14
(e)	money advanced, if any, by the Treasurer for the Coal Authorities Allocations Fund, and	15 16
(f)	money appropriated, if any, by Parliament for the purposes of the Coal Authorities Allocations Fund, and	17 18
(g)	other money directed or authorised to be paid into the Coal Authorities Allocations Fund by or under this or another Act, and	19 20
(g)	the proceeds from the investment of money in the Coal Authorities Allocations Fund.	21 22
(4)	There is payable from the Coal Authorities Allocations Fund—	23
(a)	amounts authorised by the Secretary for the purposes of the following—	24
(i)	acquisition of data related to the State’s coal resources and the analysis and assessment of the data, including drilling, coal quality analysis, geological mapping, surveying and resource modelling,	25 26 27 28
(ii)	other related activities, if any, prescribed by the regulations related to coal resource data acquisition, analysis and assessment,	29 30
(iii)	the administration of Parts 3–8, 11, 12A and 18 and Schedules 1A–2 in relation to coal, and	31 32
(b)	administrative expenses incurred in relation to the Coal Authorities Allocations Fund, including administrative expenses incurred in relation to the collection and recovery of amounts payable into the Coal Authorities Allocations Fund, and	33 34 35 36
(c)	other amounts authorised or required by or under this or another Act to be paid from the Coal Authorities Allocations Fund.	37 38
(5)	The Minister may invest money in the Coal Authorities Allocations Fund—	39
(a)	if the Department is a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way the Department is permitted to invest money under that Part, or	40 41 42
(b)	if the Department is not a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way approved by the Treasurer.	43 44 45

(6)	The annual report of the Department must include details of the amounts paid from the Coal Authorities Allocations Fund during the financial year to which the report relates and the purposes for which those payments were made.	1 2 3
[124]	Section 363, heading	4
	Omit “, Secretary or mining registrar”.	5
	Insert instead “or Secretary”.	6
[125]	Section 363(2A)	7
	Omit the subsection.	8
[126]	Section 364 Minister or official not to be interested in authority or small-scale title	9
	Omit section 364(2). Insert instead—	10
	(2) This section does not prevent the Secretary from being the holder, on behalf of the Crown, of an authorisation.	11 12
[127]	Section 365A Exchange of information	13
	Omit section 365A(2)(b). Insert instead—	14
	(b) to determine whether to cancel, revoke or vary an authorisation that is granted, made or given under that legislation, or	15 16
	(b1) to determine whether to suspend a condition of, or operations under, an authorisation that is granted, made or given under that legislation, or	17 18
	(b2) to determine whether to cancel, revoke, suspend or vary an activity approval or other approval, or an exemption or declaration, that is granted, made or given under that legislation, or	19 20 21
	(b3) to determine whether to make a decision under Part 18, Division 2, or	22
[128]	Section 366 Mining divisions	23
	Omit section 366(2).	24
[129]	Section 376	25
	Insert before section 377—	26
	376 Crown authorisations	27
	(1) The Secretary may apply on behalf of the Crown for an authorisation (a <i>Crown authorisation</i>).	28 29
	(2) The regulations may make provision for or about the following—	30
	(a) requirements about applications made by the Secretary for Crown authorisations,	31 32
	(b) requirements for prospecting, mining and other activities conducted under a Crown authorisation,	33 34
	(c) rights conferred on the holder of the Crown authorisation.	35
	(3) The rights conferred under other provisions of this Act on the holder of a Crown authorisation are subject to the requirements of the regulations under this section.	36 37 38
[130]	Section 378A Obstruction	39
	Insert “, assault, threaten, intimidate” after “hinder”.	40

[131] Section 378I Time within which summary proceedings may be commenced	1
Omit “or 378D” wherever occurring in section 378I(1)(a) and (2)(a).	2
Insert instead “, 378D, 378F or 378FA”.	3
[132] Section 378I(1)(a1)	4
Insert after section 378I(1)(a)—	5
(a1) in the case of an offence under section 378C—within but not later than 2 years after the date on which the offence is alleged to have been committed, or	6 7 8
[133] Section 378I(2)(a1)	9
Insert after section 378I(2)(a)—	10
(a1) in the case of an offence under section 378C—within but not later than 2 years after the date on which evidence of the alleged offence first came to the attention of an inspector, or	11 12 13
[134] Part 18, Division 1, heading	14
Insert after Part 18, heading—	15
Division 1 General	16
[135] Section 379AB	17
Insert after section 379AA—	18
379AB Coal the property of the Crown	19
(1) All coal that, but for the <i>Coal Acquisition Act 1981</i> , would be vested in—	20
(a) an instrumentality or agency of the Crown, or	21
(b) any person other than the Crown,	22
is vested in the Crown freed and discharged from all trusts, leases, licences, obligations, estates, interests and contracts.	23 24
(2) This clause does not apply to coal granted under the <i>Coal Ownership (Restitution) Act 1990</i> .	25 26
(3) The reference in subsection (1) to leases does not include, and is to be taken never to have included, a reference to coal leases within the meaning of the <i>Coal Mining Act 1973</i> .	27 28 29
(4) The provisions of this clause have effect despite anything contained in the <i>Real Property Act 1900</i> , section 42.	30 31
(5) Subclauses (1)–(4) re-enact, with minor modifications, the <i>Coal Acquisition Act 1981</i> , section 5 and are transferred provisions to which the <i>Interpretation Act 1987</i> , section 30A applies.	32 33 34
[136] Section 380AA Restrictions on planning applications for coal mining	35
Omit the note from clause 380AA(1). Insert instead—	36
Note— In this Act, development consent means a development consent under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4 or an approval under that Act, Part 3A or Division 5.2.	37 38 39

[137]	Section 380A Fit and proper person consideration in making certain decisions about mining rights	1
	Omit the section.	2
		3
[138]	Section 381, heading	4
	Omit “ epis ”. Insert instead “ environmental planning instruments ”.	5
[139]	Section 381B	6
	Insert after section 381A—	7
	381B Incomplete applications	8
	(1) A decision-maker may reject an application under this Act on either or both of the following grounds—	9
		10
	(a) the applicant has not paid a fee or levy payable in connection with the application within the period, if any, prescribed by the regulations,	11
		12
	(b) the applicant has not lodged information required by the regulations to accompany the application within the period, if any, prescribed by the regulations or a longer period specified by the decision-maker.	13
		14
		15
	(2) To avoid doubt—	16
	(a) an application rejected under this section is taken never to have been made, and	17
		18
	(b) the decision-maker is not required to notify the applicant before the rejection.	19
		20
[140]	Section 382	21
	Omit the section. Insert instead—	22
	382 Applications, tenders and giving of documents and information generally	23
	(1) An application or tender under this Act must be made in an approved form.	24
	(2) If an approved form is required to be completed in a specified way, the form is not completed unless the form is completed in the specified way.	25
		26
	(3) If an approved form requires specified information to be included in or submitted with the form, the form is not completed unless the specified information is included in or submitted with the form.	27
		28
		29
	(4) An application, tender or prescribed document, thing or information, required or authorised under this Act to be given to a person, must be given in the way, and within the periods, prescribed by the regulations, if any.	30
		31
		32
	(5) In this section—	33
	<i>prescribed document, thing or information</i> means a document, thing or information prescribed by the regulations for the purposes of this section.	34
		35
[141]	Section 382A, heading	36
	Insert “ and charges ” after “ fees ”	37
[142]	Section 382A(1)	38
	Insert “or charge” after “fee” wherever occurring.	39

[143] Section 382A(2)	1
Insert “and charges” after “fees”.	2
[144] Section 382B	3
Insert after section 382A—	4
382B Amendment of applications	5
(1) The following applications, and information or documents accompanying applications, may, with the consent of the decision-maker, be amended by the applicant at any time before the decision-maker decides the relevant application—	6 7 8 9
(a) an application for an authorisation,	10
(b) an application for the renewal of an authorisation,	11
(c) an application for approval of the transfer of an authorisation,	12
(d) an application for the registration of a sublease or the renewal or variation of the registration,	13 14
(e) an application prescribed by the regulations,	15
(f) information or a document accompanying an application referred to in paragraphs (a)–(e), including a proposed work program required to accompany an application.	16 17 18
(2) An application under this section must be made in a way approved by the Secretary.	19 20
(3) The decision-maker must give written notice to the applicant confirming the amendment of an application, information or document and the date on which it was amended.	21 22 23
(4) The amendment of an application, information or document does not entitle the applicant to a refund or reduction of an application fee.	24 25
[145] Section 383 Service of documents	26
Omit “issued or given to a person, or may be” from section 383(1).	27
[146] Section 383(1)(f) and (g)	28
Insert at the end of section 383(1)(e)—	29
, or	30
(f) by another method of electronic communication if the person has consented to the service of documents by the method, or	31 32
(g) by another method authorised by the regulations for the service of documents of that kind.	33 34
[147] Section 383(8) and (9)	35
Omit section 383(8). Insert instead—	36
(8) Nothing in this section affects the operation of a law or of the rules of a court authorising a document to be served on a person by another method.	37 38
(9) In this section, <i>serve</i> includes issue, give or send.	39
[148] Section 387B Extraterritorial application	40
Insert “direction or” before “notice”.	41

[149] Section 387C, heading	1
Omit “minor”.	2
[150] Section 387C(1)(e)	3
Insert at the end of section 387C(1)(d)—	4
, or	5
(e) that is specified by the regulations.	6
[151] Section 389A	7
Insert after section 389—	8
389A Review of Royalties for Rejuvenation Fund	9
(1) The Secretary is to review sections 292W and 292X to determine whether the policy objectives of the provisions remain valid and whether the terms of the provisions remain appropriate for securing the objectives.	10 11 12
(2) The review is to be undertaken as soon as possible after the period of 3 years from the commencement of the provisions.	13 14
(3) A report on the outcome of the review is to be provided to the Minister as soon as practicable after the review is undertaken.	15 16
[152] Part 18, Division 2	17
Insert after section 391—	18
Division 2 Declarations about persons not fit and proper	19
392 Interpretation	20
(1) In this Division—	21
<i>authorisation</i> does not include an environmental assessment permit under section 252.	22 23
<i>decision</i> includes declaration.	24
<i>decision-maker</i> , for a decision under this Division, means the decision-maker in relation to the authorisation that makes the person concerned a relevant person.	25 26 27
<i>declared person</i> —see section 393.	28
<i>relevant person</i> means the following—	29
(a) a person who is or was a holder of an authorisation,	30
(b) a person who is or was an applicant for an authorisation,	31
(c) a person who is a proposed transferee under an application to transfer an authorisation,	32 33
(d) a person who is or was associated with an authorisation or activity approval.	34 35
<i>specified decision</i> , in relation to an authorisation, means the following—	36
(a) a decision to reject an application to grant or renew the authorisation to a declared person,	37 38
(b) a decision to reject an application to transfer the authorisation to a declared person,	39 40

(c)	a decision to cancel the authorisation or to suspend a condition of, or operations under, the authorisation, in whole or in part, if held by a declared person,	1 2 3
(d)	a decision to suspend an activity approval related to an authorisation held by a declared person,	4 5
(e)	a decision to restrict operations under an authorisation held by a declared person by the imposition or variation of conditions of an authorisation.	6 7 8
(2)	In this Division, a person is <i>associated with an authorisation or activity approval</i> if, in the opinion of the decision-maker, the person—	9 10
(a)	has or had an arrangement, whether formal or informal, that gives or gave the person the capacity to determine the outcome of financial or operating decisions about activities under the authorisation or activity approval, or	11 12 13 14
(b)	holds or has held office as a director of a body corporate that gives or gave the person the capacity to determine the outcome of financial or operating decisions about activities under the authorisation or activity approval.	15 16 17 18
	Note— A <i>director</i> of a body corporate includes any person involved in the management of the affairs of the body corporate—see the Dictionary.	19 20
393	Declarations that certain persons are not fit and proper persons for authorisations	21 22
(1)	If the decision-maker is satisfied that a relevant person is not a fit and proper person, the decision-maker may, by written order given to the person, declare that the person is not a fit and proper person (a <i>declared person</i>).	23 24 25
(2)	The decision-maker may make a declaration at any time, including at the request of the Minister or on the decision-maker’s own initiative.	26 27
(3)	The decision-maker may, without limiting other matters that can be taken into consideration, take into consideration matters specified by the regulations for the following purposes—	28 29 30
(a)	deciding whether a person is or is not a fit and proper person,	31
(b)	deciding whether to make a declaration.	32
394	Decisions about declared persons and associated authorisations	33
(1)	The decision-maker, in relation to an authorisation for which the declared person is the holder, applicant or proposed transferee, may make a specified decision in relation to the authorisation.	34 35 36
(2)	The decision-maker may, by order given to a declared person, at the time the decision-maker makes a declaration, or within 6 months after making a declaration or a longer period as agreed between the decision-maker and the declared person, do 1 or more of the following—	37 38 39 40
(a)	caution or reprimand the declared person,	41
(b)	disqualify the declared person from making applications for the grant, renewal or transfer of authorisations for a specified period or an indefinite period,	42 43 44
(c)	impose or vary a condition of an authorisation or an activity approval, but only if the declared person is associated with the authorisation or activity approval,	45 46 47

(d)	direct the declared person to do or refrain from doing a thing specified in the direction in relation to the following—	1 2
(i)	authorisations and applications for or in relation to authorisations,	3 4
(ii)	mining and prospecting,	5
(e)	take another action specified by the regulations.	6
(3)	An application made by a person disqualified under subsection (2)(b) is invalid and must be rejected by a decision-maker.	7 8
(4)	A condition imposed or varied under subsection (2)(c) is taken to have been imposed or varied by the relevant decision-maker.	9 10
(5)	A person must not contravene a direction under subsection (2)(d). Maximum penalty—	11 12
(a)	for a corporation—10,000 penalty units, and, for a continuing offence, a further penalty of 1,000 penalty units for each day the offence continues, or	13 14 15
(b)	for an individual—2,000 penalty units, and, for a continuing offence, a further penalty of 200 penalty units for each day the offence continues.	16 17
395	Review of decisions	18
(1)	A declared person who is aggrieved by a decision under this Division may apply to the Land and Environment Court for a review of the decision.	19 20
(2)	A review by the Land and Environment Court is to be a redetermination of the decision, and the Court may consider fresh material or material in addition to, or in substitution for, the material considered by the decision-maker in the determination of the question.	21 22 23 24
(3)	An application under subsection (1)—	25
(a)	must be made within 30 days of the declared person being given the decision or a longer period allowed by the Court, and	26 27
(b)	does not stay the operation of a decision, unless the Court otherwise orders.	28 29
396	Miscellaneous	30
(1)	The grant, renewal or transfer of a mining lease may be refused under this Division even if—	31 32
(a)	the mining lease is necessary for the carrying out of State significant development authorised by a development consent, despite the Planning Act, section 4.42, or	33 34 35
(b)	the mining lease is necessary for the carrying out of approved State significant infrastructure under the Planning Act, Division 5.2 despite the Planning Act, section 5.24, or	36 37 38
(c)	the mining lease is necessary for the carrying out of a transitional Part 3A project under the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> , Schedule 2, despite the Planning Act, section 75V as continued and modified by that Schedule, or	39 40 41 42 43
(d)	the Planning Act, section 4.47 or 4.50 would otherwise prevent that refusal.	44 45

(2)	The regulations may extend the application of a provision of this Act to a decision under this Division, with or without modification.	1 2
(3)	Without limiting subsection (2)—	3
(a)	sections 126 and 127(1) extend to a specified decision under this Division to cancel an authorisation, and	4 5
(b)	sections 136 and 137 extend to a specified decision under this Division to cancel, or reject an application for the grant, renewal or transfer of, an authority, and	6 7 8
(c)	section 190(5) extends to a specified decision under this Division to reject an application for the grant of a mineral claim, and	9 10
(d)	section 204 extends to a specified decision under this Division to cancel a mineral claim, and	11 12
(e)	section 205(1) extends to a specified decision under this Division to cancel a mineral claim, and	13 14
(f)	section 210B extends to a specified decision under this Division to cancel, or reject an application for the grant, renewal or transfer of, a mineral claim, and	15 16 17
(g)	section 228(3) extends to a specified decision under this Division to reject an application for the grant of an opal prospecting licence, and	18 19
(h)	section 234 extends to a specified decision under this Division to cancel an opal prospecting licence, and	20 21
(i)	section 234A extends to a specified decision under this Division to cancel, or reject an application for the grant of an opal prospecting licence.	22 23 24
(4)	The regulations may make provision for the application of this Division to authorisations jointly held by, and applications jointly made by, more than 1 person, including dealing with the following—	25 26 27
(a)	a decision regarding an authorisation if 1 or more holders, but not all the holders, are declared persons,	28 29
(b)	the transfer of a declared person's holding to another person.	30
(5)	In this section—	31
	<i>Planning Act</i> means the <i>Environmental Planning and Assessment Act 1979</i> .	32
[153]	Part 18, Division 3	33
	Insert in appropriate order—	34
	Division 3 External administration, winding up and deregistration of corporate holders, applicants and transferees	35 36
397	Notification regarding external administration	37
(1)	This section applies to the following persons—	38
(a)	a holder of an authority,	39
(b)	an applicant for an authority,	40
(c)	for an application to transfer an authority—the proposed transferee.	41
(2)	If a person to whom this section applies is a corporation, the person must notify the Secretary in the approved form if any of the following circumstances exist—	42 43 44

(a)	an external administrator is appointed for the corporation,	1
(b)	a winding up of the corporation has commenced,	2
(c)	the person has lodged an application to deregister the corporation,	3
(d)	the person has received notice of a proposed deregistration of the corporation,	4 5
(e)	a court has ordered the deregistration of the corporation,	6
(f)	the person becomes aware that the application to deregister the corporation or proposed deregistration or order for deregistration, as referred to in paragraphs (c)–(e), has been withdrawn, deferred, refused or rejected, as the case may be.	7 8 9 10
	Maximum penalty— 100 penalty units.	11
(3)	The notification must be given—	12
(a)	as soon as practicable, and	13
(b)	not later than 28 days after the person first becomes aware of the circumstances mentioned in subsection (2).	14 15
(4)	If the notification is caused by the appointment of an external administrator for the corporation, the notice must include an address for service of documents for the corporation.	16 17 18
(5)	To avoid doubt, 2 or more notifications may be included in the same document.	19 20
(6)	In this section—	21
	<i>authority</i> includes mineral claim.	22
	<i>external administrator</i> means an administrator, liquidator, restructuring practitioner or controller within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, section 9.	23 24 25
398	Action after notifiable circumstances	26
(1)	This section applies to the following persons—	27
(a)	a holder of an authority,	28
(b)	an applicant for an authority,	29
(c)	for an application to transfer an authority—the proposed transferee.	30
(2)	The decision-maker may do 1 or more of the following in relation to an authority, or application in relation to an authority, if satisfied that circumstances mentioned in section 397(2)(a)–(e) exist in relation to a person to whom this section applies that is a corporation, whether or not the circumstances have been notified under the section—	31 32 33 34 35
(a)	reject an application in relation to the authority,	36
(b)	cancel the authority,	37
(c)	if the authority is jointly held, or an application is made jointly— remove the person concerned, in accordance with the regulations, as holder or applicant.	38 39 40
(3)	Nothing in this section prevents the decision-maker doing 1 or more of the things in subsection (2) after a corporation has been wound up or deregistered.	41 42
(4)	In this section—	43
	<i>authority</i> includes mineral claim.	44

[154] Schedule 1A Competitive selection process for controlled release prospecting titles	1
Insert after clause 3—	2
3A Participation charge	3
(1) A competitive selection application must be accompanied by the participation charge, if any, prescribed by the regulations.	4 5
(2) Despite subclause (1), a participation charge is not payable under this clause if the applicant has paid a market interest charge under section 13C(3C) for a market interest test in relation to the same geological coal resource.	6 7 8
[155] Schedule 1B Further provisions relating to authorisations generally	9
Omit clause 2(1)(d) and (e). Insert instead—	10
(d) the imposition or suspension of conditions on an authorisation,	11
(e) the variation of an authorisation, including the variation of conditions of an authorisation,	12 13
(f) the suspension of operations under an authorisation under clause 7A, but not a direction to suspend operations under an authorisation or suspend an activity approval relating to the operations under section 240AA.	14 15 16 17
[156] Schedule 1B, clause 6(b)	18
Omit clause 6(b)–(e). Insert instead—	19
(b) the relevant decision-maker considers that the applicant or, if the application relates to a transfer, the transferee, has failed to comply with 1 or more of the following—	20 21 22
(i) the applicant or transferee must meet the applicable minimum standards for work programs,	23 24
(ii) the applicant or transferee must have the technical capability to carry out the proposed work program,	25 26
(iii) the applicant or transferee must have the financial capability to carry out the proposed work program.	27 28
[157] Schedule 1B, clause 7(3)(b)	29
Omit “section 93”. Insert instead “section 4.50”.	30
[158] Schedule 1B, clause 7A(1)	31
Omit “written consent of the decision-maker”.	32
Insert instead “requirements specified by the regulations”.	33
[159] Schedule 1B, clause 7A(1A)	34
Insert after subclause (1)—	35
(1A) Without limiting other requirements specified by the regulations under subclause (1), the regulations may require the consent of a specified person to be obtained before mining operations in the mining area are suspended.	36 37 38
[160] Schedule 1B, clause 9(b1)	39
Insert after clause 9(b)—	40

	(b1) the conditions to which the holder of the licence is subject under a registered access management plan in force for the opal prospecting block over which the licence is granted, and	1 2 3
[161]	Schedule 1B, clause 13(1) Omit “relevant decision-maker”. Insert instead “Minister”.	4 5
[162]	Schedule 1B, clause 13(1)(a) Omit “a daily newspaper circulating throughout New South Wales”. Insert instead “a way specified by the regulations”.	6 7 8
[163]	Schedule 1 Public consultation with respect to the granting of assessment leases and mining leases Omit “(or approval under Part 3A or Part 5.1 of the <i>Environmental Planning and Assessment Act 1979</i>)” from clause 4A.	9 10 11 12
[164]	Schedule 1, clause 4A, note Insert at the end of the clause— Note— In this Act, development consent means a development consent under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4 or an approval under that Act, Part 3A or Division 5.2.	13 14 15 16 17
[165]	Schedule 1, clause 21(5) Omit “statutory declaration”. Insert instead “statement by the applicant”.	18 19 20
[166]	Schedule 1, clause 22(2)–(4) Omit clause 22(2)–(5). Insert instead— (2) Schedule 2 contains provisions dealing with objections. (3) If, after an objection has been made, but before the objection is determined, the landholder gives written consent to the granting of the mining lease over the land, or the applicant for the mining lease gives written consent to the surface of the land being excluded from the application— (a) the Secretary is not required to determine the objection, and (b) the decision-maker may grant the mining lease. (4) A written consent given under this clause is irrevocable.	21 22 23 24 25 26 27 28 29 30
[167]	Schedule 1, clause 23(3)–(6) Omit clause 23(3) and (4). Insert instead— (3) Despite subclause (1), a mining lease may be granted beneath the surface of land determined to be agricultural land if the Minister is satisfied mining operations under the lease are able to be carried out without causing, at any time, unreasonable damage to the agricultural land or unreasonable interference with the use or productive capacity of the agricultural land. (4) Despite subclause (1), a mining lease may be granted over the whole or a part of the land determined to be agricultural land, including the surface of the land, if the Minister considers that the granting of the lease is necessary to give access to other land to which the lease applies.	31 32 33 34 35 36 37 38 39 40 41

(5)	A mining lease must not be granted in the circumstances referred to in subclause (3) unless the Minister has—	1 2
(a)	given the landholder written notice of the proposed mining lease, including the reasons the Minister is satisfied of the relevant matters in the subclause, and	3 4 5
(b)	at the time the written notice is given, invited submissions to the Minister about the proposed mining lease within a specified period, being not less than 28 days after the notice is given, and	6 7 8
(c)	considered any submissions made within the specified period.	9
(6)	However, a mining lease referred to in subclause (3) may be granted with the written consent of the landholder.	10 11
[168]	Schedule 1, clause 24(1)	12
	Omit “, in a newspaper circulating generally in the State and in one or more newspapers circulating in the locality in which the land is situated”.	13 14
	Insert instead “and in the way specified by the regulations”.	15
[169]	Schedule 2 Agricultural land	16
	Omit the definition of <i>agricultural land</i> , paragraph (c)(i) from clause 1(1).	17
	Insert instead—	18
(i)	at the relevant date, trees are growing that provide shade or shelter or a windbreak to other land described in this definition, or	19 20
[170]	Schedule 2, clause 2(3)	21
	Insert after clause 2(2)—	22
(3)	The relevant authority may refuse to make a decision that land is agricultural land if the objector has not demonstrated to the relevant authority’s satisfaction that the land is agricultural land.	23 24 25
[171]	Schedule 2, clauses 2A and 2B	26
	Insert after clause 2—	27
2A	Objections	28
(1)	An objection must be—	29
(a)	lodged with the Secretary—	30
(i)	for an objection under section 179 or 222—within 28 days after the date the notice under section 177 or 221, as the case requires, is served, or	31 32 33
(ii)	for an objection under Schedule 1, clause 22—on or before the date specified in the relevant notice under Schedule 1, clause 21, and	34 35 36
(b)	made in a way prescribed by the regulations.	37
(2)	An objector must lodge with the Secretary information to support the objection in the way and within the period specified by the Secretary by written notice given to the objector.	38 39 40
(3)	The Secretary may require an objector to provide further information to support the objection.	41 42

(4)	The further information must be provided in the way and within the period specified by the Secretary.	1 2
(5)	If the further information is not provided within the specified period, the Secretary may reject the objection.	3 4
(6)	An objection may be withdrawn by written notice given to the Secretary.	5
(7)	The withdrawal of an objection is irrevocable.	6
2B	Transfer of land if objection pending	7
(1)	If, before an objection has been determined, the landholder who made the objection transfers the land concerned to a new landholder—	8 9
(a)	the landholder who made the objection must give the Secretary written notice of the transfer, and	10 11
(b)	the objection continues in force as if made by the new landholder, subject to subclauses (2) and (3).	12 13
(2)	If, before an objection has been determined, the Secretary becomes aware that land to which the objection relates has been transferred to a new landholder, the Secretary may, by written notice given to the new landholder, request the new landholder notify the Secretary, within 28 days, whether the new landholder wishes the objection to proceed.	14 15 16 17 18
(3)	If, at the expiry of the 28-day period, the new landholder has not notified the Secretary that the new landholder wishes the objection to proceed, the objection is taken to have been withdrawn.	19 20 21
(4)	To avoid doubt, a withdrawal of an objection under subclause (3) is irrevocable.	22 23
[172]	Schedule 2, clause 3	24
	Omit the clause. Insert instead—	25
3	Date to be certified by Secretary	26
(1)	This clause applies if—	27
(a)	an objection to the grant of a mining lease over land is made under Schedule 1, clause 22, and	28 29
(b)	the tenderer or applicant for the mining lease over the land was, at the time the invitation for tenders was first published or the application was lodged, the holder of an exploration licence or mineral claim over the land.	30 31 32 33
(2)	If this clause applies, the Secretary must issue a certificate that—	34
(a)	states that the matters referred to in subclause (1) have occurred, and	35
(b)	specifies the date on which the invitation for tenders for the exploration licence was first published or the application for the exploration licence or mineral claim was lodged.	36 37 38
(3)	The certificate must be given to the following persons—	39
(a)	the relevant authority,	40
(b)	the landholder,	41
(c)	the mining lease applicant.	42

[173] Schedule 2, clauses 5 and 6	1
Insert after clause 4—	2
5 Relevant authority may commission expert reports	3
Before deciding whether or not land is agricultural land, the relevant authority—	4
(a) may commission an expert to report on the question, and	5
(b) must allow the landholder and the following persons to make submissions within a reasonable period on the report, including the assumptions of and information contained in the report—	6
(i) for a reference under section 179—the person who caused the notice under section 177 to be served,	7
(ii) for a reference under Schedule 1, clause 22 in relation to a mining lease—the mining lease applicant, and	8
(c) must consider the submissions, if any.	9
6 Parties may make submissions	10
Before deciding whether or not land is agricultural land, the relevant authority must—	11
(a) provide a copy of the objection and supporting information to the following—	12
(i) for an objection under section 179, the person who caused the notice under section 177 to be served,	13
(ii) for an objection under Schedule 1, clause 22, the mining lease applicant, and	14
(b) allow the following to make submissions within a reasonable time on the objection and supporting information—	15
(i) for a reference under section 179, the person who caused the notice under section 177 to be served,	16
(ii) for a reference under Schedule 1, clause 22, the mining lease applicant concerned, and	17
(c) give a copy of the submissions to the landholder, and	18
(d) allow the landholder to make submissions within a reasonable period commenting on submissions made under paragraph (b), and	19
(e) consider the submissions, if any.	20
[174] Schedule 4 Regulation making powers	21
Omit clauses 7–9. Insert instead—	22
7 Fees, levies, charges and refunds	23
Regulating the imposition of fees, levies and charges and authorising the postponement, refund or waiver of fees, levies and charges.	24
8 Statistics and accounts	25
Providing for—	26
(a) the compilation of mining statistics, and	27
(b) the giving of information for the purpose of enabling mining statistics to be compiled, and	28

(c)	the keeping of books of account, and	1
(d)	the inspection of and giving of information from books of account.	2
9	Records and registers	3
	Providing for—	4
(a)	the keeping of records and registers, and	5
(b)	the ways of making registers publicly available for inspection and copying.	6 7
[175]	Schedule 4, clause 13(2)	8
	Insert at the end of clause 13—	9
(2)	Without limiting subclause (1)(a), a regulation may specify circumstances in which an ancillary mining activity is taken for the purposes of the Act to be in the vicinity of a mining lease or mineral claim even if the ancillary mining activity is being carried out at a significant distance from the mining lease or mineral claim.	10 11 12 13 14
[176]	Schedule 6 Savings, transitional and other provisions	15
	Omit “a Warden’s Court” wherever occurring in clauses 70(7) and 72(5).	16
	Insert instead “the Land and Environment Court”.	17
[177]	Schedule 6, clause 142(3)	18
	Omit “Director-General”. Insert instead “Secretary”.	19
[178]	Schedule 6, Part 27	20
	Insert at the end of the Schedule—	21
	Part 27 Provisions consequent on enactment of Mining and Petroleum Legislation Amendment Act 2022	22 23
181	Definition	24
	In this Part—	25
	<i>2022 amending Act</i> means the <i>Mining and Petroleum Legislation Amendment Act 2022</i> .	26 27
182	Exempted areas—sections 30 and 48	28
(1)	Sections 30(1) and 48(1), as substituted by the 2022 amending Act, extend to the holder of an exploration licence or assessment lease who applied to the Minister for consent under the section if the application was not finally determined immediately before the amendments commenced.	29 30 31 32
(2)	Sections 30(1) and 48(1), as substituted by the 2022 amending Act, do not extend to the holder of an exploration licence or assessment lease who applied to the Minister for consent under the section if the application was determined before the amendments commenced.	33 34 35 36
(3)	Sections 30(1) and 48(1), as in force immediately before the subsections were substituted by the 2022 amending Act, continue to apply to the holder of an exploration licence or assessment lease referred to in subclause (2).	37 38 39

183	Conditions of mining leases regarding suspension of mining operations—section 100 and Schedule 1B, clause 7A	1 2
(1)	Section 100(a) and Schedule 1B, clause 7A(1), as amended by the 2022 amending Act, extend to mining operations suspended at the time the amendments commenced.	3 4 5
(2)	The regulations may make further provision regarding the application of section 100(a) and Schedule 1B, clause 7A(1), as amended by the 2022 amending Act, to mining operations in suspension at that time.	6 7 8
(3)	To avoid doubt, section 100(a) and Schedule 1B, clause 7A(1), as amended by the 2022 amending Act, apply even if an application for written consent was made before the amendments commenced.	9 10 11
184	Security required before transfer of authority—sections 122 and 261BAA	12
(1)	The following provisions do not apply to an application made under section 122 but not finally determined before section 261BAA commenced—	13 14
(a)	section 122, as amended by the 2022 amending Act,	15
(b)	section 261BAA.	16
(2)	Section 122, as in force immediately before it was amended by the 2022 amending Act, continues to apply to an application made under that section, but not finally determined, before the amendments commenced.	17 18 19
185	Death, bankruptcy and incapacity of applicant—sections 134 and 210	20
	Sections 134 and 210, as substituted by the 2022 amending Act, extend to an application for an authority or mineral claim if, immediately before the substitution—	21 22 23
(a)	the application had been made but not finally determined, and	24
(b)	a request under the section—	25
(i)	had been made but not finally determined, or	26
(ii)	had not been made.	27
186	Directions—section 240(1A)	28
	Section 240(1A) extends to prospecting, mining or other activities carried out before the subsection commenced.	29 30
187	Authorisation fees under Part 14A	31
	Part 14A, as amended by the 2022 amending Act, extends to authorisations in force on the commencement of the amendments.	32 33
188	Operational allocation charges—Part 14AB	34
	To avoid doubt, Part 14AB extends to mining leases whether granted before or after the Part commenced.	35 36
189	Amendment of applications—section 382B	37
	Section 382B extends to applications made, but not finally determined, before the section commenced.	38 39
190	Operation of not fit and proper person declarations—Part 18, Division 2	40
(1)	Part 18, Division 2 extends to conduct occurring and matters arising before the Division commenced, including—	41 42

	(a) authorisations granted and applications made before the commencement, and	1 2
	(b) conduct that occurred, or a matter that arose, before the commencement.	3
	(2) To avoid doubt, section 396(1) extends to permit the Minister to refuse the grant, renewal or transfer of a mining lease even if the development consent that would otherwise have prevented refusal was granted before the subsection commenced.	4 5 6 7
191	Action in relation to external administration, winding up and deregistration of corporate holders, applicants and transferees—section 398	8 9
	Section 398 extends to applications made, but not finally determined, immediately before the section commenced.	10 11
192	Incomplete applications—sections 65(5) and (6) and 381B	12
	(1) Section 65(5) and (6) extend to applications made, but not finally determined, before the section commenced.	13 14
	(2) Section 381B does not apply to applications made before the section commenced.	15 16
193	Immediate vicinity and vicinity of mining leases—sections 6(2) and (4) and 63(5) and Schedule 1B, clause 7B(3)(b) and Schedule 4, clause 13	17 18
	(1) For the period prescribed by the regulations after commencement day, being a period not exceeding 2 years—	19 20
	(a) section 6(2) and (4), as in force immediately before commencement day, continue to apply to the carrying out of a designated ancillary mining activity by a person who was lawfully carrying out the activity before commencement day, and	21 22 23 24
	(b) section 6(2) and (4), as amended by the 2022 amending Act, do not apply to the carrying out of the designated ancillary mining activity.	25 26
	(2) Section 63(5) and Schedule 1B, clause 7B(3)(b), as amended by the 2022 amending Act, extend to applications made, but not finally determined, immediately before the amendments commenced.	27 28 29
	(3) The regulations may provide that a reference to the immediate vicinity of a mining lease in a document, including an application for, or condition of, a mining lease, is taken to be a reference to the vicinity of a mining lease for the purposes of this Act.	30 31 32 33
	(4) In this clause—	34
	<i>commencement day</i> means the date the amendments to section 6(2) and (4) by the 2022 amending Act commenced.	35 36
194	Transfer of land if objection pending—Schedule 2, clause 2B	37
	To avoid doubt, Schedule 2, clause 2B extends to the following before the clause commenced—	38 39
	(a) an objection made but not finally determined,	40
	(b) a transfer of land.	41
195	Definition of “prospect”—Dictionary	42
	(1) The substitution of the definition of <i>prospect</i> in the Dictionary by the 2022 amending Act does not apply in relation to proceedings that were commenced, but not finally determined, before this clause commenced.	43 44 45

(2)	The regulations may make further provision regarding the application of the substituted definition of <i>prospect</i> to an authorisation in force on the substitution.	1 2 3
[179] Dictionary		4
	Omit the definition of <i>Department</i> .	5
	Insert instead—	6
	<i>Department</i> means the Department of Regional NSW.	7
[180] Dictionary, definition of “deputy mining registrar”		8
	Omit the definition.	9
[181] Dictionary, definition of “development consent”		10
	Omit “Part 5.1”. Insert instead “Division 5.2”.	11
[182] Dictionary		12
	Insert in alphabetical order—	13
	<i>incapacitated person</i> means the following—	14
	(a) an involuntary patient within the meaning of the <i>Mental Health Act 2007</i> ,	15 16
	(b) a protected person within the meaning of the <i>NSW Trustee and Guardian Act 2009</i> , being a person for whom an order is in force under the <i>NSW Trustee and Guardian Act 2009</i> , Part 4.2 or 4.3 or the <i>Guardianship Act 1987</i> that the whole or a part of the person’s estate be subject to management under the <i>NSW Trustee and Guardian Act 2009</i> ,	17 18 19 20 21
	(c) a person is incommunicate within the meaning of the <i>Powers of Attorney Act 2003</i> , but only if an enduring power of attorney authorises an attorney to act for the person in relation to an application while incommunicate.	22 23 24 25
	<i>Planning Secretary</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	26 27
	<i>reject</i> , in relation to a decision on an application, means reject without consideration of the application.	28 29
	<i>Royalties for Rejuvenation Fund</i> or <i>Rejuvenation Fund</i> —see section 292W.	30
	<i>state conservation area</i> means land reserved as a state conservation area under the <i>National Parks and Wildlife Act 1974</i> .	31 32
[183] Dictionary, definition of “landholder”		33
	Omit “reserved land”. Insert instead “an exempted area”.	34
[184] Dictionary, definition of “prospect”		35
	Omit the definition.	36
	Insert instead—	37
	<i>prospect</i> means to carry out the following activities, but does not include an activity declared not to be prospecting by or under a regulation under section 11A—	38 39 40
	(a) to carry out works on, or to remove samples from, land for the purpose of testing the following—	41 42
	(i) the mineral bearing qualities of the land,	43

	(ii) the potential to recover minerals from the land,	1
	(b) to rehabilitate land on which works have been carried out, or from which samples have been removed, as referred to in paragraph (a).	2 3
[185]	Dictionary, definition of “reserved land”	4
	Omit the definition.	5

Schedule 2	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>approved</i> means approved by the Minister.	5
	<i>incapacitated person</i> means the following—	6
	(a) an involuntary patient within the meaning of the <i>Mental Health Act 2007</i> ,	7
		8
	(b) a protected person within the meaning of the <i>NSW Trustee and Guardian Act 2009</i> , being a person for whom an order is in force under the <i>NSW Trustee and Guardian Act 2009</i> , Part 4.2 or 4.3 or the <i>Guardianship Act 1987</i> that the whole or a part of the person’s estate be subject to management under the <i>NSW Trustee and Guardian Act 2009</i> ,	9
		10
		11
		12
		13
	(c) a person is incommunicate within the meaning of the <i>Powers of Attorney Act 2003</i> , but only if an enduring power of attorney authorises an attorney to act for the person in relation to an application while incommunicate.	14
		15
		16
		17
	<i>Planning Secretary</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	18
		19
	<i>reject</i> , in relation to a decision on an application, means reject without consideration of the application.	20
		21
	<i>well-head</i> , of petroleum, has the meaning specified by the regulations.	22
[2]	Section 3(1), definition of “Department”	23
	Omit the definition. Insert instead—	24
	<i>Department</i> means the Department of Regional NSW.	25
[3]	Section 3(1), definition of “prospect”	26
	Omit the definition.	27
	Insert instead—	28
	<i>prospect</i> means to carry out the following activities, but does not include an activity declared not to constitute prospecting by the regulations—	29
		30
	(a) to carry out works on, or to remove samples from, land for the purpose of testing the following—	31
		32
	(i) the quality and quantity of petroleum in the land,	33
	(ii) the potential to recover petroleum from the land,	34
	(b) to rehabilitate land on which works have been carried out, or from which samples have been removed, as referred to in paragraph (a).	35
		36
[4]	Section 11	37
	Omit the section. Insert instead—	38
	11 Making of applications for petroleum titles	39
	An application for a petroleum title must—	40
	(a) be made in a form approved by the Minister, and	41
	(b) be lodged with the Secretary, and	42
	(c) include the information, if any, prescribed by the regulations.	43

[5] Section 14 Applications to be supported by proposed work program	1
Omit section 14(1) and (2). Insert instead—	2
An application for a petroleum title must be accompanied by a proposed work program that—	3
(a) contains the information, if any, required by the regulations, and	4
(b) complies with the regulations, if any.	5
[6] Section 15 Applications to be supported by evidence of financial capability	7
Omit the section.	8
[7] Section 16 Grant or refusal of petroleum titles	9
Insert after section 16(4)—	10
(5) The Minister may grant—	11
(a) a single petroleum title of a kind for 2 or more applications for that kind of petroleum title made by the same applicant, or	12
(b) 2 or more petroleum titles of the same kind to an applicant for a single application for a petroleum title of that kind.	13
[8] Section 18 Title to nominee	16
Insert after section 18(2)—	17
(3) To avoid doubt, if 2 or more titles are to be granted for a single application, the applicant may nominate 1 or more other persons under this section to be granted 1 or more of the titles.	18
[9] Section 19 Renewal of title	21
Omit section 19(1)–(2A). Insert instead—	22
(1) The holder of a petroleum title may, from time to time, apply for the renewal of the title.	23
Note— Schedule 1B contains provisions about the consideration of applications for the renewal of petroleum titles and the grounds for refusal of the applications.	24
(2) An application for the renewal of a petroleum title must be lodged with the Secretary within the period, if any, prescribed by the regulations, before the title ceases to have effect.	25
[10] Section 19(2AA)(b) and (c)	26
Omit “and” at the end of paragraph (b) and omit paragraph (c).	27
[11] Section 19(3)	28
Insert after section 19(2B)—	29
(3) If an application for the renewal of a petroleum title is not made in the names of all of the holders of the title, the Minister may renew the title only if satisfied each holder of the title not applying for its renewal does not wish the title to be renewed in the person’s name.	30
[12] Section 19B	31
Omit the section. Insert instead—	32
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	39

19B	Land over which exploration licences may be renewed	1
(1)	This section applies if the Minister is not satisfied that—	2
(a)	the area of land over which renewal of an exploration licence is sought is genuinely required to support the proposed work program accompanying the application, or	3 4 5
(b)	other special circumstances exist that justify the applicant retaining an area greater in size than that genuinely required to support the proposed work program.	6 7 8
(2)	If this section applies, the Minister must—	9
(a)	inform the applicant of—	10
(i)	the Minister’s opinion, and	11
(ii)	the area of land over which the Minister proposes to renew the exploration licence, and	12 13
(b)	renew the exploration licence only over the area of land the Minister considers—	14 15
(i)	to be genuinely required to support the proposed work program, or	16 17
(ii)	for an area greater in size than that genuinely required to support the proposed work program—is justified by special circumstances.	18 19 20
(3)	In deciding whether an area of land is genuinely required to support a proposed work program for the purposes of this section, the Minister may have regard to the matters specified by the regulations.	21 22 23
[13]	Section 20 Continuation of title pending renewal	24
	Insert “, in relation only to the land to which the application relates,” after “force”.	25
[14]	Section 21	26
	Insert after section 20—	27
21	Amendment of application	28
(1)	The following applications and information or documents accompanying applications, may, with the consent of the Minister, be amended by the applicant at any time before the Minister decides the relevant application—	29 30 31
(a)	an application for a petroleum title,	32
(b)	an application for the renewal of a petroleum title,	33
(c)	an application for approval of the transfer of a petroleum title,	34
(d)	an application prescribed by the regulations,	35
(e)	information or a document accompanying an application referred to in paragraphs (a)–(d), including a proposed work program required to accompany an application.	36 37 38
(2)	An application under this section must be made in a way approved by the Secretary.	39 40
(3)	The Minister must give written notice to the applicant confirming the amendment of an application, information or document and the date on which it was amended.	41 42 43
(4)	The amendment of an application, information or document does not entitle the applicant to a refund or reduction of an application fee.	44 45

[15] Section 24A Fit and proper person consideration in making certain decisions about petroleum titles	1
Omit the section.	2
	3
[16] Section 26 Title taken to be personal property	4
Omit “It may be disposed of during the lifetime of the holder and on the holder’s death descends or devolves on intestacy or by will as personal property.”.	5
	6
[17] Sections 26A–26C	7
Insert after section 26—	8
26A Joint holders of petroleum titles	9
(1) If there is more than 1 holder of a petroleum title, each of the holders is jointly and severally liable for the fulfilment of the obligations arising under this Act in relation to the petroleum title.	10
	11
	12
(2) A petroleum title may be held by 2 or more persons as joint tenants or as tenants in common.	13
	14
(3) The Secretary must record that 2 or more holders of a petroleum title hold the petroleum title as tenants in common unless the holders apply in a way prescribed by the regulations to hold the petroleum title as joint tenants.	15
	16
	17
26B Death, bankruptcy and incapacity of applicant	18
(1) An application for a petroleum title made by an individual who subsequently becomes bankrupt or an incapacitated person or dies—	19
	20
(a) subsists for the benefit of the applicant or the applicant’s estate, and	21
(b) may continue to be dealt with if—	22
(i) the applicant’s representative makes a request under this section, and	23
	24
(ii) the Minister accepts the request.	25
(2) A request must be made in a way and within the period prescribed by the regulations, if any.	26
	27
(3) The Minister may reject the application for a petroleum title if—	28
(a) no request is made within the period prescribed under subsection (2), or	29
(b) a request is made within the period prescribed, but the Minister rejects the request.	30
	31
(4) Without limiting other grounds for which a request may be rejected, a request may be rejected on grounds prescribed by the regulations.	32
	33
(5) The Minister, in considering whether to accept a request under this section, may have regard to the following—	34
	35
(a) guidelines issued and made publicly available by the Minister for the purposes of this section, if any,	36
	37
(b) matters prescribed by the regulations for the purposes of this section.	38
(6) In this section—	39
<i>representative</i> , for an individual who is bankrupt, an incapacitated person or deceased, has the meaning prescribed by the regulations.	40
	41

26C	Devolution of rights of holder of petroleum title	1
(1)	A person on whom the rights of the holder of a petroleum title have devolved by operation of law may apply to the Minister to have the person's name recorded as the holder of the title.	2 3 4
(2)	An application must be made in a way prescribed by the regulations.	5
(3)	The Minister, if satisfied that the rights of the holder of a petroleum title have devolved by operation of law, may direct the Secretary to record the name of the applicant as the holder of the title.	6 7 8
(4)	In considering an application under this section, the Minister must have regard to guidelines issued and made publicly available by the Minister for the purposes of this section, if any.	9 10 11
(5)	To avoid doubt, in this section, rights have devolved by operation of law if the rights have involuntarily passed from 1 person to another by operation of a law, including a transfer caused by death, bankruptcy or insolvency.	12 13 14
[18]	Section 28C Land over which exploration licence granted	15
	Insert at the end of the section—	16
(2)	Subsection (1)—	17
(a)	extends to the grant of a single exploration licence for 2 or more applications made by the same applicant, and	18 19
(b)	as extended, applies as if the land over which the exploration licence was sought was the land over which the 2 or more exploration licences were sought.	20 21 22
[19]	Section 31A Activity approval required for assessable prospecting operations	23
	Omit section 31A(3). Insert instead—	24
(3)	An application for an activity approval must—	25
(a)	be made in a form approved by the Minister, and	26
(b)	be lodged with the Minister, and	27
(c)	include the information, if any, prescribed by the regulations.	28
(3A)	The Minister may require the holder of an exploration licence to provide further information as required by the Minister, within the period specified by the Minister, before considering the application or at any time during consideration of the application.	29 30 31 32
[20]	Section 32A Land over which assessment lease granted	33
	Insert at the end of the section—	34
(2)	Subsection (1)—	35
(a)	extends to the grant of a single assessment lease for 2 or more applications made by the same applicant, and	36 37
(b)	as extended, applies as if the land over which the assessment lease was sought was the land over which the 2 or more assessment leases were sought.	38 39 40
[21]	Section 36 Notice to be given of application for assessment lease	41
	Omit “both in a newspaper circulating in the vicinity of the area over which the lease is sought and in a newspaper circulating generally in the State” from section 36(1).	42 43

Insert instead “in the way specified by the regulations”.	1
[22] Section 36A Activity approval required for assessable prospecting operations	2
Omit section 36A(3). Insert instead—	3
(3) An application for an activity approval must—	4
(a) be made in a form approved by the Minister, and	5
(b) be lodged with the Minister, and	6
(c) include the information, if any, prescribed by the regulations.	7
(3A) The Minister may require the holder of an assessment lease to provide further information as required by the Minister, within the period specified by the Minister, before considering the application or at any time during consideration of the application.	8 9 10 11
[23] Section 39 Area of special prospecting authority	12
Insert at the end of the section—	13
(2) The land over which a special prospecting authority is granted may differ in size or shape from, but may not include land other than, the land over which the authority was sought.	14 15 16
(3) Subsection (2)—	17
(a) extends to the grant of a single special prospecting authority for 2 or more applications made by the same applicant, and	18 19
(b) as extended, applies as if the land over which the special prospecting authority was sought was the land over which the 2 or more special prospecting authorities were sought.	20 21 22
[24] Section 43 Notice of application for production lease to be published	23
Omit “a newspaper circulating generally in the State”.	24
Insert instead “a way specified by the regulations”.	25
[25] Section 44 Area of production lease	26
Insert at the end of the section—	27
(2) The land over which a production lease is granted may differ in size or shape from, but may not include land other than, the land over which the production lease was sought.	28 29 30
(3) Subsection (2)—	31
(a) extends to the grant of a single production lease for 2 or more applications made by the same applicant, and	32 33
(b) as extended, applies as if the land over which the production lease was sought was the land over which the 2 or more production leases were sought.	34 35 36
[26] Section 47, heading	37
Omit “epis”. Insert instead “environmental planning instruments”.	38
[27] Section 48 Application of this Division to Government bodies where development consent etc not required	39 40
Omit “Part 5.1”.	41

Insert instead “Division 5.2”.	1
[28] Sections 50 and 51	2
Omit “Secretary of the Department of Planning and Environment” wherever occurring.	3
Insert instead “Planning Secretary”.	4
[29] Section 54A Division applies only where development consent etc not required	5
Omit “Part 5.1”.	6
Insert instead “Division 5.2”.	7
[30] Section 67 Development consent under Environmental Planning and Assessment Act 1979	8 9
Insert after section 67(2)—	10
(3) The Minister may reject an application for a production lease if the applicant, before the expiration of the period, if any, prescribed by the regulations or a longer period specified by the Minister, has failed to provide to the Minister evidence that—	11 12 13 14
(i) an application for the development consent required by this section has been made, or	15 16
(ii) the development consent has been granted and is in force.	17
(4) To avoid doubt—	18
(a) an application rejected under this section is taken never to have been made, and	19 20
(b) the Minister is not required to notify the applicant before the rejection.	21
[31] Section 69C Prospecting to be carried out in accordance with access arrangement	22
Insert after section 69C(1)—	23
Maximum penalty—	24
(a) for a corporation—5,000 penalty units, and, for a continuing offence, a further penalty of 500 penalty units for each day the offence continues, or	25 26 27
(b) for an individual—1,000 penalty units or imprisonment for 5 years, or both, and, for a continuing offence, a further penalty of 100 penalty units for each day the offence continues.	28 29 30
[32] Section 69SA Register of arbitrated access arrangements	31
Omit section 69SA(2)–(4). Insert instead—	32
(2) The Secretary must keep a register of the following in a way prescribed by the regulations—	33 34
(a) the arbitrated access arrangements provided to the Secretary,	35
(b) other information, if any, relating to arbitrated access arrangements prescribed by the regulations.	36 37
(3) The register must be made available for public inspection.	38
[33] Section 73 Disputes between holders of petroleum titles and other persons carrying on operations on the land	39 40
Insert “mineral” before “claim” in section 73(1)(a).	41

[34] Section 73(1)(e)	1
Omit the paragraph.	2
[35] Section 74 Interpretation	3
Insert “, controller” after “receiver” in section 74(2).	4
[36] Section 74(2)	5
Omit “responsible” wherever occurring.	6
[37] Section 75 Directions	7
Insert after section 75(1)—	8
(1A) The Secretary or an inspector may, by written notice, direct a person to do 1 or more of the following if the person has carried out prospecting for petroleum, mining petroleum or another activity otherwise than in accordance with a petroleum title, where a petroleum title to carry out the prospecting, mining or activity is required under this Act—	9 10 11 12 13
(a) to address an adverse impact the prospecting, mining or activity has had on 1 or more aspects of the environment,	14 15
(b) to address a risk of there being such an impact,	16
(c) to conserve the environment, protect it from harm as a result of the prospecting, mining or activity or to prevent, control or mitigate the harm,	17 18 19
(d) to rehabilitate land or water that is or may be affected by the prospecting, mining or activity.	20 21
(1B) To avoid doubt, a reference to the environment, land and water in subsections (1) and (1A) includes the environment, land and water in a place regardless of whether the environment, land and water is within or outside a title area.	22 23 24
[38] Section 75(2)	25
Omit “responsible”.	26
[39] Section 78C Fee	27
Omit “by the holder of the petroleum title concerned” from 78C(3).	28
[40] Section 83D Conditions for mandatory audits	29
Omit section 83D(7). Insert instead—	30
(7) This section does not affect the operation of the <i>Environmental Planning and Assessment Act 1979</i> , section 4.42, 4.50 or 5.24.	31 32
[41] Section 88 Ascertainment of well-head	33
Omit the section.	34
[42] Section 89 Ascertainment of value	35
Omit “the amount determined by the Minister as being that value”.	36
Insert instead “the amount calculated in the way determined by the Minister”.	37
[43] Section 94A	38
Omit sections 94A and 94B. Insert instead—	39

94A Interpretation	1
(1) A reference in this Part to when a petroleum title is granted or renewed is taken, in relation to a grant or renewal of a petroleum title that takes effect after the date on which it is granted or renewed, to be a reference to when the grant or renewal takes effect.	2 3 4 5
(2) To avoid doubt, if a fee is payable during the term of a petroleum title, the term of the title includes the period occurring after the term for which the petroleum title as granted or renewed was due to expire but continues to have effect under section 20.	6 7 8 9
Note — Section 20 provides that if an application for renewal of a petroleum title has not been withdrawn or finally disposed of before the date on which the term of the title expires, it continues in force until the application is withdrawn or otherwise finally disposed of.	10 11 12 13
[44] Section 94H	14
Omit the section. Insert instead—	15
94H Payment of annual rental fee	16
(1) An annual rental fee must be paid for each year the petroleum title continues in force.	17 18
(2) An annual rental fee must be paid before the grant of a petroleum title.	19
(3) Subsequent annual rental fees must be paid by—	20
(a) the date specified by the Secretary by written notice given to the person liable to pay the fee, or	21 22
(b) if no date is specified—the date prescribed by, or determined in accordance with, the regulations for the purposes of this section.	23 24
[45] Section 94J Definitions	25
Omit the section.	26
[46] Section 94K	27
Omit the section. Insert instead—	28
94K Payment of annual administrative levy	29
(1) The administrative levy payable under this Part for a petroleum title is an annual administrative levy.	30 31
(2) An annual administrative levy must be paid for each year the petroleum title continues in force.	32 33
(3) An annual administrative levy must be paid before the grant of a petroleum title.	34 35
(4) Subsequent annual administrative levies must be paid by—	36
(a) the date specified by the Secretary by written notice given to the person liable to pay the fee, or	37 38
(b) if no date is specified—the date prescribed by, or determined in accordance with, the regulations for the purposes of this section.	39 40
[47] Section 94L Amount of administrative levy	41
Omit section 94L(1)–(7). Insert instead—	42

	The amount of an administrative levy is the amount calculated in accordance with the regulations.	1 2
[48]	Section 94M Minimum amount of administrative levy	3
	Omit the section.	4
[49]	Section 94Q Late payment fee	5
	Omit section 94Q(1). Insert instead—	6
	(1) If a fee under this Part is not paid within the period required under this Part, the Secretary may charge a late payment fee calculated in accordance with the regulations.	7 8 9
[50]	Section 94QA	10
	Insert after section 94Q—	11
	94QA Consultation before regulations regarding fees are made	12
	Before recommending the making of a regulation that specifies or varies a method of calculation of a levy or fee under section 94L or 94Q, the Minister must ensure that—	13 14 15
	(a) a notice is published in the way specified by the regulations to bring it to the attention of the public—	16 17
	(i) stating the objects of the proposed regulation, and	18
	(ii) advising where a copy of the regulation may be obtained or inspected, and	19 20
	(iii) inviting comments and submissions within a specified period, but not less than 28 days from publication of the notice, and	21 22
	(b) comments and submissions received within the period specified in the notice are considered.	23 24
[51]	Section 95 Records of titles	25
	Omit section 95(2) and (3). Insert instead—	26
	(2) The record must be kept in the way, and must include the information, prescribed by the regulations, if any.	27 28
	(3) The record must be made available for public inspection.	29
	(4) Despite subsection (3), the Secretary may decide to keep the records relating to a competitive selection application made in response to an invitation under Schedule 1A confidential and not make them publicly available until after the selection process has been completed.	30 31 32 33
[52]	Section 96 Applications for transfer of title	34
	Omit section 96(2)(b).	35
[53]	Section 96A Registration of transfers	36
	Insert at the end of section 96A(2)(b)—	37
	, and	38
	(c) must be accompanied by evidence that the security deposit required to be provided under section 106CA, if any, has been provided.	39 40

[54] Section 96A(3)	1
Omit “the application”.	2
Insert instead “an application that complies with subsection (2)”.	3
[55] Section 96A(5)	4
Insert after section 96A(4)—	5
(5) An approval of transfer of a petroleum title lapses if an application for registration of the transfer under this section has not been made within 3 months after the transferor and transferee of the petroleum title were notified of the approval.	6 7 8 9
[56] Section 97 Registration of certain interests	10
Omit section 97(9). Insert instead—	11
(9) The register must be made available for public inspection.	12
[57] Sections 97H and 97I	13
Insert after section 97G—	14
97H Notification regarding external administration	15
(1) This section applies to the following persons—	16
(a) a holder of a petroleum title,	17
(b) an applicant for a petroleum title,	18
(c) for an application to transfer a petroleum title—the proposed transferee.	19
(2) If a person to whom this section applies is a corporation, the person must notify the Secretary in the approved form if any of the following circumstances exist—	20 21 22
(a) an external administrator is appointed for the corporation,	23
(b) a winding up of the corporation has commenced,	24
(c) the person has lodged an application to deregister the corporation,	25
(d) the person has received notice of a proposed deregistration of the corporation,	26 27
(e) a court has ordered the deregistration of the corporation,	28
(f) the person becomes aware that the application to deregister the corporation or proposed deregistration or order for deregistration, as referred to in paragraphs (c)–(e), has been withdrawn, deferred or refused or rejected, as the case may be.	29 30 31 32
Maximum penalty— 100 penalty units.	33
(3) The notification must be given—	34
(a) as soon as practicable, and	35
(b) not later than 28 days after the person first becomes aware of the circumstances mentioned in subsection (2).	36 37
(4) If the notification is caused by the appointment of an external administrator for the corporation, the notice must include an address for service of documents for the corporation.	38 39 40
(5) To avoid doubt, 2 or more notifications may be included in the same document.	41 42

(6)	In this section—	1
	<i>external administrator</i> means an administrator, liquidator, restructuring practitioner or controller within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, section 9.	2 3 4
97I	Action after notifiable circumstances	5
(1)	This section applies to the following persons—	6
	(a) a holder of a petroleum title,	7
	(b) an applicant for a petroleum title,	8
	(c) for an application to transfer a petroleum title—the proposed transferee.	9
(2)	The Minister may do 1 or more of the following in relation to a petroleum title, or application in relation to a petroleum title, if satisfied that circumstances mentioned in section 97H(2)(a)–(e) exist in relation to a person to whom this section applies that is a corporation, whether or not the circumstances have been notified under the section—	10 11 12 13 14
	(a) reject an application in relation to the petroleum title,	15
	(b) cancel the petroleum title,	16
	(c) if the petroleum title is jointly held, or an application is made jointly—remove the person concerned, in accordance with the regulations, as holder or applicant.	17 18 19
(3)	Nothing in this section prevents the Minister doing 1 or more of the things in subsection (2) after a corporation has been wound up or deregistered.	20 21
[58]	Section 104KA	22
	Insert before section 104L—	23
104KA	Entry on land to comply with environmental, rehabilitation and other directions and for other purposes	24 25
(1)	The Minister may grant a permit to a person to enter land to enable the person—	26 27
	(a) to comply with a direction in force under section 75, or	28
	(b) to remove a petroleum plant in accordance with a direction under section 82(1)(b) or as a result of a sale conducted under section 83.	29 30
(2)	The holder of a permit under this section, and an employee or agent of the holder, may, in accordance with the permit—	31 32
	(a) enter the land to which the permit relates, and	33
	(b) do on the land things reasonably necessary to achieve the purpose for which the permit was granted.	34 35
[59]	Section 106B Security required to be given	36
	Omit section 106B(4). Insert instead—	37
(4)	A security deposit condition may require—	38
	(a) a single security deposit to be provided and maintained for more than 1 petroleum title held by the same person, and	39 40
	(b) the holder of 2 or more petroleum titles to cause a security deposit that has been provided and maintained for 1 petroleum title to be extended to other petroleum titles held by the holder.	41 42 43

(4A)	To avoid doubt, a security deposit condition for a group security deposit may be varied at the request of the holder of the petroleum title or on the Minister's initiative—	1
	(a) to deal with a further petroleum title, or	2
	(b) to remove a petroleum title from being the subject of the condition.	3
[60]	Section 106C, heading	4
	Insert “or renewed” after “granted”.	5
[61]	Section 106C(3)	6
	Insert after section 106C(2)—	7
	(3) Subsections (1) and (2) extend to the renewal of a petroleum title.	8
[62]	Section 106CA	9
	Insert after section 106C—	10
106CA	Security may be required before transfer of petroleum title is registered	11
(1)	If the Minister proposes to approve a transfer of a petroleum title which is not subject to a security deposit condition, the Minister may, by notice given to the proposed transferee—	12
	(a) advise the proposed transferee that the Minister proposes to impose a security deposit condition when the transfer is approved, and	13
	(b) require the proposed transferee to provide the security deposit required to be provided and maintained under that condition before the transfer of the petroleum title is registered.	14
(2)	If the Minister proposes to approve a transfer of a petroleum title which is subject to a security deposit condition, the Minister may, by notice given to the proposed transferee, require the proposed transferee to provide the security deposit required to be provided and maintained under that condition before the transfer of the petroleum title is registered.	15
(3)	If the Minister requires a security deposit to be provided before a transfer of the petroleum title is registered, the transfer of the petroleum title must not be registered under section 96A unless the security deposit is provided.	16
(4)	Subsections (1)–(3) apply to a full or partial transfer of a petroleum title.	17
[63]	Section 106D Amount of security deposit	18
	Insert at the end of the section—	19
(2)	The amount of a group security deposit that may be required by a security deposit condition is—	20
	(a) the assessed deposit for the petroleum titles concerned as at the date the Minister imposes or varies the condition, or	21
	(b) if there is no assessed deposit for the petroleum titles—the amount specified under section 106E(7)(b) as at the date the Minister imposes or varies the condition.	22
[64]	Section 106E Secretary may assess amount of security deposit	23
	Omit section 106E(6) and (7). Insert instead—	24
(6)	The Secretary must make an assessment under this section having regard to the following—	25

(a)	the estimated cost of fulfilling obligations under the petroleum title or petroleum titles concerned, including obligations under the petroleum title that may arise in the future,	1 2 3
(b)	other matters, if any, prescribed by the regulations.	4
(7)	An assessed deposit must not be less than the following—	5
(a)	for a group security deposit—the amount prescribed by or calculated in accordance with the regulations,	6 7
(b)	for another security deposit—the minimum deposit for the petroleum title.	8 9
[65]	Section 106F Application for review of assessed deposit	10
	Omit section 106F(2)(a)–(d). Insert instead—	11
(a)	be made in the way, and contain the information, prescribed by the regulations, if any, and	12 13
[66]	Section 106G Review of assessed deposit by Minister	14
	Omit section 106G(2)(a). Insert instead—	15
(a)	must have regard to—	16
(i)	submissions made by the holder of the petroleum title in relation to the assessment the subject of the review, and	17 18
(ii)	matters, if any, prescribed by the regulations for the purposes of this section, and	19 20
[67]	Section 106G(7), note	21
	Omit the note.	22
[68]	Section 106H Minimum deposit	23
	Omit section 106H(2). Insert instead—	24
(2)	A change to the following does not affect the validity of a security deposit condition imposed or varied before the change takes effect—	25 26
(a)	the minimum deposit for a petroleum title,	27
(b)	an amount in section 106E(7)(b).	28
[69]	Section 106I, heading	29
	Insert “and use” after “Forfeiture”.	30
[70]	Section 106I(4)	31
	Insert after section 106I(3)—	32
(4)	The Minister may invest money obtained under a security deposit—	33
(a)	if the Minister is a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way the Department is permitted to invest money under that Part, or	34 35 36
(b)	if the Minister is not a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way approved by the Treasurer.	37 38
[71]	Section 113C Minister or officer not to be interested in petroleum title	39
	Insert after section 113C(2)—	40

(3)	This section does not prevent the Secretary from being the holder, on behalf of the Crown, of a petroleum title.	1 2
[72]	Section 113CA	3
	Insert after 113C—	4
113CA	Crown authorisations	5
(1)	The Secretary may apply on behalf of the Crown for a petroleum title (a <i>Crown petroleum title</i>).	6 7
(2)	The regulations may make provision for or about the following—	8
(a)	requirements about applications made by the Secretary for Crown petroleum titles,	9 10
(b)	requirements for prospecting, mining and other activities conducted under a Crown petroleum title,	11 12
(c)	rights conferred on the holder of the Crown petroleum title.	13
(3)	The rights conferred under other provisions of this Act on the holder of a Crown petroleum title are subject to the requirements of the regulations under this section.	14 15 16
[73]	Section 113N Exchange of information	17
	Insert after section 113N(2)(b)—	18
(b1)	to determine whether to make a decision under Part 14, Division 2, or	19
[74]	Section 125B Obstruction	20
	Insert “, assault, threaten, intimidate” after “hinder”.	21
[75]	Section 125M Time within which summary proceedings may be commenced	22
	Omit “or 125E” from section 125M(1)(a) and (2)(a) wherever occurring.	23
	Insert instead “, 125E, 125H or 125I”.	24
[76]	Section 125M(1)(a1)	25
	Insert after section 125M(1)(a)—	26
(a1)	in the case of an offence under section 125D—within but not later than 2 years after the date on which the offence is alleged to have been committed, or	27 28 29
[77]	Section 125M(2)(a1)	30
	Insert after section 125M(2)(a)—	31
(a1)	in the case of an offence under section 125D—within but not later than 2 years after the date on which evidence of the alleged offence first came to the attention of an inspector, or	32 33 34
[78]	Part 14, Division 1, heading	35
	Insert after Part 14, heading—	36
	Division 1 General	37
[79]	Section 129A Extraterritorial application	38
	Insert “direction or” before “notice”.	39

[80]	Section 129B, heading	1
	Omit “minor”.	2
[81]	Section 129B(1)(e)	3
	Insert at the end of section 129B(1)(d)—	4
	, or	5
	(e) that is specified by the regulations.	6
[82]	Sections 132 and 133	7
	Insert before section 134—	8
	132 Incomplete applications	9
	(1) The Minister may reject an application under this Act on either or both of the following grounds—	10 11
	(a) the applicant has not paid a fee or levy payable in connection with the application within the period, if any, prescribed by the regulations,	12 13
	(b) the applicant has not lodged information required by the regulations to accompany the application within the period, if any, prescribed by the regulations or a longer period specified by the Minister.	14 15 16
	(2) To avoid doubt—	17
	(a) an application rejected under this section is taken never to have been made, and	18 19
	(b) the Minister is not required to notify the applicant before the rejection.	20
	133 Applications, tenders and giving of documents and information generally	21
	(1) An application or tender required or authorised under this Act to be given to a person must be given in the approved form.	22 23
	(2) If an approved form requires the form to be completed in a specified way, the form is not completed unless the form is completed in the specified way.	24 25
	(3) If an approved form requires specified information to be included in or submitted with the form, the form is not completed unless the specified information is included in or submitted with the form.	26 27 28
	(4) An application, tender or prescribed document, thing or information, required or authorised under this Act to be given to a person, must be given in the way, and within the period, prescribed by the regulations, if any.	29 30 31
	(5) In this section—	32
	<i>prescribed document, thing or information</i> means a document, thing or information prescribed by the regulations for the purposes of this section.	33 34
[83]	Section 134 Service of documents	35
	Omit section 134(1). Insert instead—	36
	(1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by 1 of the following methods—	37 38
	(a) for an individual—by personal delivery to the person,	39
	(b) by post to the address specified by the person for the service of documents of that kind,	40 41

(c)	for an individual who has not specified an address for that purpose—by post to the residential or business address of the person last known to the person serving the document,	1 2 3
(d)	for a body corporate—by post to the registered office or another office of the body corporate or by leaving it at the office with a person apparently over the age of 16 years,	4 5 6
(e)	by email to an email address specified by the person for the service of documents of that kind,	7 8
(f)	by another method of electronic communication if the person has consented to service of documents by the method,	9 10
(g)	by another method authorised by the regulations for the service of documents of that kind.	11 12
[84]	Section 134(5) and (6)	13
	Omit section 134(5). Insert instead—	14
(5)	Nothing in this section affects the operation of a law or of the rules of a court authorising a document to be served on a person by another method.	15 16
(6)	In this section, <i>serve</i> includes issue, give or send.	17
[85]	Section 138 Regulations	18
	Insert after section 138(1)(g1)—	19
(g2)	providing for—	20
(a)	the keeping of records and registers, and	21
(b)	the ways of making registers publicly available for inspection and copying, and	22 23
[86]	Part 14, Division 2	24
	Insert after section 141—	25
	Division 2 Declarations about persons not fit and proper	26
142	Interpretation	27
(1)	In this Division—	28
	<i>decision</i> includes declaration.	29
	<i>declared person</i> —see section 143.	30
	<i>relevant person</i> means the following—	31
(a)	a person who is or was a holder of a petroleum title,	32
(b)	a person who is or was an applicant for a petroleum title,	33
(c)	a person who is a proposed transferee under an application to transfer a petroleum title,	34 35
(d)	a person who is or was associated with a petroleum title or activity approval.	36 37
	<i>specified decision</i> , in relation to a petroleum title, means the following—	38
(a)	a decision to reject an application to grant or renew the petroleum title to a declared person,	39 40
(b)	a decision to reject an application to transfer the petroleum title to a declared person,	41 42

(c)	a decision to cancel the petroleum title or to suspend a condition of, or operations under, the petroleum title, in whole or in part, if held by a declared person,	1 2 3
(d)	a decision to suspend an activity approval related to a petroleum title held by a declared person,	4 5
(e)	a decision to restrict operations under a petroleum title held by a declared person by the imposition or variation of conditions of a petroleum title.	6 7 8
(2)	In this Division, a person is <i>associated with a petroleum title or activity approval</i> if, in the opinion of the Minister, the person—	9 10
(a)	has or had an arrangement, whether formal or informal, that gives or gave the person the capacity to determine the outcome of financial or operating decisions about activities under the petroleum title or activity approval, or	11 12 13 14
(b)	holds or has held office as director of a body corporate that gives or gave the person the capacity to determine the outcome of financial or operating decisions about activities under the petroleum title or activity approval.	15 16 17 18
	Note— A <i>director</i> of a body corporate includes any person involved in the management of the affairs of the body corporate—see section 3(1).	19 20
143	Declarations that certain persons are not fit and proper persons for petroleum titles	21 22
(1)	If the Minister is satisfied that a relevant person is not a fit and proper person, the Minister may, by written order given to the person, declare that the person is not a fit and proper person (a <i>declared person</i>).	23 24 25
(2)	The Minister may make a declaration at any time, including on the Minister’s own initiative.	26 27
(3)	The Minister may, without limiting other matters that can be taken into consideration, take into consideration matters specified by the regulations for the following purposes—	28 29 30
(a)	deciding whether a person is or is not a fit and proper person,	31
(b)	deciding whether to make a declaration.	32
144	Decisions about declared persons and associated petroleum titles	33
(1)	The Minister, in relation to a petroleum title for which the declared person is the holder, applicant or proposed transferee, may make a specified decision in relation to the petroleum title.	34 35 36
(2)	The Minister may, by order given to a declared person, at the time the Minister makes a declaration, or within 6 months after making a declaration or a longer period as agreed between the Minister and the declared person, do 1 or more of the following—	37 38 39 40
(a)	caution or reprimand the declared person,	41
(b)	disqualify the declared person from making applications for the grant, renewal or transfer of petroleum titles for a specified period or an indefinite period,	42 43 44
(c)	impose or vary a condition of a petroleum title or an activity approval, but only if the declared person is associated with the petroleum title or activity approval,	45 46 47

(d)	direct the declared person to do or refrain from doing a thing specified in the direction in relation to the following—	1 2
(i)	petroleum titles and applications for or in relation to petroleum titles,	3 4
(ii)	mining and prospecting,	5
(e)	take another action specified by the regulations.	6
(3)	An application made by a person disqualified under subsection (2)(b) is invalid and must be rejected by the Minister.	7 8
(4)	A condition imposed or varied under subsection (2)(c) is taken to have been imposed or varied by the Minister.	9 10
(5)	A person must not contravene a direction under subsection (2)(d). Maximum penalty—	11 12
(a)	for a corporation—10,000 penalty units, and, for a continuing offence, a further penalty of 1,000 penalty units for each day the offence continues, or	13 14 15
(b)	for an individual—2,000 penalty units, and, for a continuing offence, a further penalty of 200 penalty units for each day the offence continues.	16 17
145	Review of decisions	18
(1)	A declared person who is aggrieved by a decision under this Division may apply to the Land and Environment Court for a review of the decision.	19 20
(2)	A review by the Land and Environment Court is to be a redetermination of the decision, and the Court may consider fresh material or material in addition to, or in substitution for, the material considered by the Minister in the determination of the question.	21 22 23 24
(3)	An application under subsection (1)—	25
(a)	must be made within 30 days of the declared person being given the decision or a longer period allowed by the Court, and	26 27
(b)	does not stay the operation of a decision, unless the Court otherwise orders.	28 29
146	Miscellaneous	30
(1)	The grant, renewal or transfer of a petroleum title may be refused under this Division even if—	31 32
(a)	the petroleum title is necessary for the carrying out of State significant development that is authorised by a development consent, despite the Planning Act, section 4.42, or	33 34 35
(b)	the petroleum title is necessary for the carrying out of approved State significant infrastructure under the Planning Act, Division 5.2 despite the Planning Act, section 5.24, or	36 37 38
(c)	the petroleum title is necessary for the carrying out of a transitional Part 3A project under the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> , Schedule 2, despite the Planning Act, section 75V as continued and modified by that Schedule, or	39 40 41 42 43
(d)	the Planning Act, section 4.47 or 4.50 would otherwise prevent that refusal.	44 45

(2)	The regulations may extend the application of a provision of the Act to a decision under this Division, with or without modification.	1 2
(3)	Without limiting subsection (2)—	3
(a)	section 22A(6) extends to the cancellation of a petroleum title under this Division, and	4 5
(b)	section 25 extends to a decision to reject an application to grant, renew or transfer a petroleum title under this Division.	6 7
(4)	The regulations may make provision for the application of this Division to petroleum titles jointly held by, and applications jointly made by, more than 1 person, including dealing with the following—	8 9 10
(a)	a decision regarding a petroleum title if 1 or more holders, but not all the holders, are declared persons,	11 12
(b)	the transfer of a declared person’s holding to another person.	13
(5)	In this section—	14
	<i>Planning Act</i> means the <i>Environmental Planning and Assessment Act 1979</i> .	15
[87]	Schedule 1B Further provisions relating to petroleum titles generally	16
	Omit clause 5(b). Insert instead—	17
(b)	the Minister considers that the applicant or, if the application relates to a transfer, the transferee, has failed to comply with 1 or more of the following—	18 19 20
(i)	the applicant or transferee must meet the applicable minimum standards for work programs,	21 22
(ii)	the applicant or transferee must have the technical capability to carry out the proposed work program,	23 24
(iii)	the applicant or transferee must have the financial capability to carry out the proposed work program.	25 26
[88]	Schedule 1B, clause 5(c) and (d)	27
	Omit the paragraphs.	28
[89]	Schedule 1B, clause 6(3)(b)	29
	Omit “section 93 of the <i>Environmental Planning and Assessment Act 1979</i> ”.	30
	Insert instead “the <i>Environmental Planning and Assessment Act 1979</i> , section 4.50”.	31
[90]	Schedule 1B, clause 10(1)(a)	32
	Omit “in a daily newspaper circulating throughout New South Wales”.	33
	Insert instead “in a way specified by the regulations”.	34
[91]	Schedule 1 Savings and transitional provisions	35
	Insert at the end of the Schedule—	36
	Part 15 Provisions consequent on enactment of Mining and Petroleum Legislation Amendment Act 2022	37 38
67	Definition	39
	In this Part—	40

<i>2022 amending Act</i> means the <i>Mining and Petroleum Legislation Amendment Act 2022</i> .	1 2
68 Definition of “prospect”—s 3(1)	3
(1) The substitution of section 3(1), definition of <i>prospect</i> by the 2022 amending Act does not apply in relation to any proceedings that were commenced, but not finally determined, before this clause commenced.	4 5 6
(2) The regulations may make further provision regarding the application of the substituted definition of <i>prospect</i> to a petroleum title in force on the substitution.	7 8 9
69 Definition of “well-head”	10
(1) The amendments made by the 2022 amending Act, Schedule 2[1] and [41] do not apply in relation to a royalty payable in relation to a royalty period that began before the amendments commenced.	11 12 13
(2) Section 88, as in force immediately before its repeal by the 2022 amending Act, Schedule 2[41], continues to apply in relation to a royalty payable in relation to a royalty period that began before the repeal of the section.	14 15 16
70 Ascertainment of value of petroleum at well-head	17
(1) The amendment made by the 2022 amending Act, Schedule 2[42] does not apply in relation to a royalty payable in relation to a royalty period that began before the amendment commenced.	18 19 20
(2) Section 89, as in force immediately before its amendment by the 2022 amending Act, Schedule 2[42], continues to apply in relation to a royalty payable in relation to a royalty period that began before the amendment of the section commenced.	21 22 23 24
71 Continuation of title pending renewal	25
(1) Section 20, as amended by the 2022 amending Act, does not apply in relation to an application for the renewal of a title made, but not finally determined, before that amendment commenced.	26 27 28
(2) Section 20, as in force immediately before its amendment by the 2022 amending Act, continues to apply in relation to an application for the renewal of a title made, but not finally determined, before the amendment commenced.	29 30 31
72 Amendment of applications—s 21	32
Section 21, as inserted by the 2022 amending Act, extends to applications made, but not finally determined, before the section commenced.	33 34
73 Applications where death, bankruptcy and incapacity of applicant—s 26B	35
Section 26B, as inserted by the 2022 amending Act, extends to an application for a petroleum title if, immediately before the substitution—	36 37
(a) the application had been made but not finally determined, and	38
(b) a request under the section—	39
(i) had been made but not finally determined, or	40
(ii) had not been made.	41

74	Directions—s 75(1A)	1
	Section 75(1A) extends to prospecting for petroleum, mining petroleum or another activity carried out before the subsection commenced.	2 3
75	Fees under Part 7A	4
	Part 7A, as amended by the 2022 amending Act, extends to petroleum titles in force on the commencement of the amendments.	5 6
76	Security required before transfer of petroleum titles	7
(1)	The following provisions do not apply to an application made under section 96A, but not finally determined, before section 106CA commenced—	8 9
(a)	section 96A, as amended by the 2022 amending Act,	10
(b)	section 106CA.	11
(2)	Section 96A, as in force immediately before it was amended by the 2022 amending Act, continues to apply to an application made under the section, but not finally determined before the commencement of the amendments.	12 13 14
77	Action in relation to external administration, winding up and deregistration of corporate holders, applicants and transferees—s 97I	15 16
	Section 97I extends to applications made, but not finally determined, on the commencement of the section.	17 18
78	Operation of not fit and proper person declarations—Part 14, Division 2	19
(1)	Part 14, Division 2 extends to conduct occurring and matters arising before the Division commenced, including—	20 21
(a)	petroleum titles granted and applications made before the commencement, and	22 23
(b)	conduct that occurred, or a matter that arose, before the commencement.	24
(2)	To avoid doubt, section 146(1) extends to permit the Minister to refuse the grant, renewal or transfer of a petroleum title even if the development consent that would otherwise have prevented refusal was granted before the subsection commenced.	25 26 27 28
79	Incomplete applications—ss 67(3) and (4) and 132	29
(1)	Section 67(3) and (4) extend to applications made, but not finally determined, before the subsections commenced.	30 31
(2)	Section 132 does not apply to applications made before the section commenced.	32 33