



New South Wales

Mining and Petroleum Legislation Amendment (Harmonisation) Bill 2015

Explanatory note

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

This Bill is cognate with the *Mining and Petroleum Legislation Amendment (Grant of Coal and Petroleum Prospecting Titles) Bill 2015*.

Overview of Bill

The object of this Bill is to amend the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* as follows:

- (a) by consolidating provisions about mining authorisations and petroleum titles into a separate Schedule of standard clauses that:
 - (i) allow a decision-maker to require an applicant or tenderer to furnish further information, and
 - (ii) require applications and tenders to be supported by a proposed work program, and
 - (iii) provide broader and more flexible grounds on which mining authorisations and petroleum titles may be granted, suspended or cancelled, and
 - (iv) require the need to conserve and protect the environment to be taken into account in considering applications, and
 - (v) specify other matters that may be taken into account in considering applications, including the applicant's technical and financial capability to carry out the proposed work program, compliance history and ability to meet minimum standards, and
 - (vi) set out a non-exhaustive list of grounds on which applications or tenders can be refused, and
 - (vii) provide broader and more flexible powers to impose and vary conditions, and

- (viii) allow security deposit conditions to be imposed in relation to any impact that is the result of work carried out under an authorisation or title, whether or not that impact affects land over which it was granted, and
- (ix) provide for the modification of the amount of land to which an exploration licence that is being renewed can apply,
- (b) by requiring the holder of an exploration licence or assessment lease under either Act to obtain a further approval for prospecting activities that are not exempt development under planning legislation, and creating a power to impose terms on such activity approvals,
- (c) by requiring the lodging of reports in relation to all operations carried out under a mining authorisation or petroleum title and requiring any record created or maintained under the Act to be kept in a legible form for at least 4 years after the expiry or cancellation of the relevant authorisation or title,
- (d) by giving decision-makers the power to waive minor procedural matters if the waiver is unlikely to adversely affect any person's rights or to result in any person being deprived of information necessary for the effective exercise of those rights,
- (e) by enabling the Minister or an inspector to issue a prohibition notice to a person suspected of carrying out unauthorised activity, or a suspension notice in certain circumstances that could constitute grounds for cancellation of a mining authorisation or petroleum title, and by making a contravention of either type of direction a ground for cancelling an authorisation or title,
- (f) by creating an offence for the non-payment of any annual rental fee or annual administrative levy payable for a mining authorisation or petroleum title,
- (g) by providing for the Secretary to refund or waive payment of fees, in certain circumstances,
- (h) by making it an offence to aid, abet, counsel or conspire in the commission of an offence,
- (i) by providing that a court that is satisfied, to a civil standard, that a person has carried out unauthorised prospecting or mining may order the person to pay costs and expenses incurred in the prevention or management of any environmental impact or rehabilitating land or water or to pay compensation for loss or damage suffered,
- (j) by providing for the giving of enforceable undertakings in relation to contraventions of statutory provisions,
- (k) by providing for the ongoing effect of notices and of conditions of mining authorisations and petroleum titles,
- (l) by providing for the extraterritorial application of notices relating to investigation and enforcement action,
- (m) by prohibiting inspectors, certain member of staff of the Department and certain persons who exercise judicial or official functions under the Acts from holding a direct or indirect beneficial interest in a mining authorisation or petroleum title,
- (n) by providing for the use and disclosure of information, work programs and samples provided under the Acts, including under information sharing arrangements with other regulatory agencies,
- (o) by enabling mandatory codes of practice (including for land access), minimum standards and conditions to be adopted by regulation,
- (p) by amending the *Petroleum (Onshore) Act 1991* to permit the holder of an exploration licence or assessment lease to beneficially use gas recovered by the holder when prospecting for petroleum and to harmonise particular compliance, investigation and enforcement provisions with those of the *Mining Act 1992*, including by aligning provisions relating to audits, inspection and investigative powers, the giving of directions, enforcement and administration,
- (q) by amending the *Mining Act 1992* to require the holder of a mining authorisation to collect cores and samples,

- (r) by making other minor and consequential amendments and enacting savings and transitional provisions consequent on the enactment of the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 repeals the *Mining Amendment Act 2008*, which contains uncommenced amendments, including amendments that are superseded by the amendments made by the proposed Act.

Schedule 1 Amendment of Mining Act 1992 No 29

Types of authorisations dealt with by amendments

Schedule 1 deals with the following instruments:

- (a) authorities, which are any of the following:
- (i) an exploration licence (which gives its holder the right to prospect on the land specified in the licence for the group or groups of minerals specified),
 - (ii) an assessment lease (which gives its holder the right to prospect on the land specified in the lease for the group or groups of minerals specified),
 - (iii) a mining lease (which gives its holder the right to prospect and mine on the land specified in the lease for the group or groups of minerals specified, to carry out primary treatment operations (such as crushing, sizing, grading, washing and leaching) necessary to separate the mineral or minerals from the material from which they are recovered, and carry out on that land any mining purpose),
- (b) authorisations, which are any of the following:
- (i) an exploration licence,
 - (ii) an assessment lease,
 - (iii) a mining lease,
 - (iv) a mineral claim (which gives its holder the right to prospect for the mineral or minerals specified),
 - (v) an opal prospecting licence (which gives its holder the right to prospect for opals in the opal prospecting block over which the licence is granted),
 - (vi) an environmental assessment permit granted under section 252 (which gives its holder the right to enter the land to which the permit relates and do all things reasonably necessary to carry out the assessment to which the permit relates).

Applications and tenders required to be supported by a proposed work program

Schedule 1 [1], [3], [16], [27] and [29] insert notes about a proposed provision requiring applications and tenders for exploration licences, assessment leases and mining leases to be supported by a proposed work program.

Schedule 1 [2], [4], [17], [28] and [30] omit existing provisions requiring certain applications and tenders to be supported by a proposed program of work.

Schedule 1 [53] requires an application for an authority, and a tender, to be accompanied by a proposed work program that indicates the nature and extent of operations to be carried out under the authority conferred by the relevant authority, sets out commitments relating to the conduct of those operations (such as the timing of the operations), provides for the carrying out of activities (such as community consultation and environmental management and rehabilitation) in connection with, or ancillary to, those operations and complies with the regulations. This harmonises the *Mining Act 1992* with section 14 of the *Petroleum (Onshore) Act 1991*, as proposed to be amended.

Transfer of provisions about grant and refusal of authorisations

Schedule 1 [5], [18] and [31] omit provisions that allow a decision-maker to require the applicant or tenderer for an exploration licence, assessment lease or mining lease, respectively, to furnish further information in connection with the application or tender. Those provisions are proposed to be transferred to clause 5 of Schedule 1B.

Schedule 1 [6], [19], [32] and [59] omit provisions that restrict the granting of exploration licences, assessment leases, mining leases and mineral claims over land within a colliery holding.

Schedule 1 [7], [9], [20], [33], [35] and [61] insert notes referring to the fact that proposed Schedule 1B provides for the grant or refusal of an application or tender for an exploration licence, assessment lease, mining lease or mineral claim, respectively, and for the conditions to which an exploration licence or mineral claim is subject.

Schedule 1 [8], [10], [21], [34], [36], [47], [60], [63], [64] and [71] omit provisions about the power of decision-makers to grant or refuse applications or tenders for the grant or transfer of exploration licences, assessment leases, or mining leases, applications for the grant, renewal or transfer of mineral claims, or applications for opal prospecting licences, respectively. The relevant provisions provide that an application or tender may be refused on the ground that the decision-maker is satisfied that the applicant, or a director of an applicant or tenderer that is a corporation, has contravened the Act or the regulations, has been convicted of any other offence relating to mining, minerals or petroleum or has provided false or misleading information in or in connection with the application. Those provisions are proposed to be transferred, in a modified form, to clause 6 (a) of Schedule 1B.

Schedule 1 [13] extends the maximum duration of an exploration licence from 5 years to 6 years.

Schedule 1 [24] extends the maximum duration of an assessment lease from 5 years to 6 years.

Schedule 1 [76] omits a provision requiring the need to protect natural resources and features of Aboriginal, architectural, archaeological, historical or geological interest to be taken into account when deciding whether or not to grant an authority or mineral claim. The obligation to consider the impact on the environment (a term that is broadly defined so as to include features of such interest) is proposed to be transferred to clause 3 of Schedule 1B.

Activity approvals required for assessable prospecting operations

Schedule 1 [11] and [23] provide that exploration licences and assessment leases are subject to a statutory condition that the holder of the licence or lease must not carry out an assessable prospecting operation on land unless an activity approval has been obtained for the carrying out of the assessable prospecting operation in relation to that land and is in force (such a requirement is presently imposed by conditions of licences or leases, in some cases only). An **assessable prospecting operation** is defined in **Schedule 1 [133]** to mean any prospecting operation that is not exempt development within the meaning of the *Environmental Planning and Assessment Act 1979*. The proposed amendments also provide for the making of applications for activity approvals and for their consideration, the terms that may be imposed on them and their variation and cancellation.

Conditions of authorisations

Schedule 1 [12], [22], [37] and [62] omit provisions about the imposition of conditions on exploration licences, assessment leases, mining leases and mineral claims, respectively. Those provisions are proposed to be transferred to Part 3 of Schedule 1B.

Schedule 1 [14] inserts a note about the fact that an exploration licence may be varied after grant under proposed Schedule 1B.

Schedule 1 [15] and [26] provide that provisions of proposed Schedule 1B about the variation or suspension of a condition of an authorisation apply to the variation or suspension of a condition of consent to exercise rights conferred by an exploration licence or assessment lease within land in an exempted area.

Schedule 1 [25] inserts a note about the fact that an assessment lease may be varied after grant under proposed Schedule 1B.

Schedule 1 [38] omits a provision that provides that the decision-maker can amend a mining lease so as to allow the holder of the lease to comply with a condition relating to expenditure instead of a condition relating to labour.

Schedule 1 [39] provides that a condition imposed on a proposed mining lease in accordance with a direction of the Premier may only be varied with the concurrence of the Premier.

Schedule 1 [57] omits a provision about the suspension of conditions of an authority. That provision is proposed to be transferred to clause 14 of Schedule 1B.

Schedule 1 [58] omits a provision about the addition or variation of conditions in certain circumstances. That provision is proposed to be transferred to clause 12 of Schedule 1B.

Schedule 1 [68] omits a provision about the suspension of conditions of a mineral claim. That provision is proposed to be transferred to clause 14 of Schedule 1B.

Schedule 1 [70] provides that the conditions that apply to an opal prospecting licence may include conditions as to the works (rather than the program of work) to be carried out under an opal prospecting licence.

Schedule 1 [76] omits provisions (Division 2 of Part 11) about the imposition of condition on authorisation for protecting the environment. Those provisions are proposed to be transferred to Part 2 of Schedule 1B.

Schedule 1 [90] provides that the section about the conditions of audits does not affect the operation of section 115ZH (Approvals etc legislation that must be applied consistently) of the *Environmental Planning and Assessment Act 1979*.

Schedule 1 [101] updates a cross-reference to a provision about conditions that is proposed to be transferred to Part 3 of Schedule 1B.

Renewal of authorities

Schedule 1 [40] provides that an application for renewal of an exploration licence may include a description of any special circumstances that the applicant claims apply that justify the area of land over which the exploration licence is renewed exceeding half of the area over which the licence is in force when the application for renewal is made.

Schedule 1 [41] replaces an existing provision about the power of decision-makers in relation to renewals of authorities. It also inserts a new provision that specifies how the decision-maker is to determine the land to which any renewed exploration licence will apply.

Schedule 1 [42] omits provisions about the amendment of the conditions of an authority while an application for renewal of an authority is being dealt with. This will enable the variation of conditions regarding royalty. That provision is proposed to be transferred, in a modified form, to Part 4 of proposed Schedule 1B.

Schedule 1 [43] omits a provision that provides that any amendment of the conditions of a renewed authority takes effect on the date on which the renewal of the authority takes effect. That provision is proposed to be transferred, in a modified form, to clause 12 (7) of Schedule 1B.

Transfer of authorities

Schedule 1 [44] provides that the holder of an authority may apply for approval of any transfer of the authority (and not only for transfer to another person).

Schedule 1 [45] provides that the holder of an authority must not apply for a transfer unless the holder has notified any person who has a registered interest in the authority of the proposed application.

Schedule 1 [46] inserts a note about the fact that Schedule 1B contains provisions about the grant or refusal of an application for approval of the transfer of an authority.

Schedule 1 [47] omits provisions about:

- (a) the power of decision-makers to refuse an application for the transfer of an authority, which is proposed to be transferred, in a modified form, to clause 6 (a) of Schedule 1B, and

- (b) the ability of a decision-maker considering an application for transfer of an authority to vary the authority by adding conditions, which is proposed to be transferred, in a modified form, to Part 4 of Schedule 1B.

Schedule 1 [48] and [49] omit a provision that requires an application to register the transfer of an authority to be accompanied by a document acknowledging the terms of the authority after transfer.

Schedule 1 [50] provides that the requirement that on receipt of the application the Secretary must register the transferee as the holder of the authority or (in the case of a partial transfer) the new authority does not apply if registration is prohibited by section 124 (Caveats).

Cancellation of authorisations

Schedule 1 [51] redrafts provisions about the cancellation of authorisations, with the additional grounds for cancellation that the decision-maker is satisfied that there has been a contravention of a direction under proposed section 240 or 240AA.

Schedule 1 [52] provides that a section about appeals against decisions concerning cancellations of authorisations does not apply to a cancellation that was requested by the holder of the authority.

Schedule 1 [65] creates an additional ground for cancellation of operational suspension of a mineral claim, that the Secretary considers that there has been a contravention of a direction under proposed section 240 or 240AA.

Schedule 1 [66] makes a consequential amendment and establishes an additional ground of cancellation of a mineral claim, namely that the land is required for a public purpose.

Schedule 1 [73] provides that the Secretary may cancel an opal prospecting licence if the Secretary considers that there has been a contravention of a direction under section 240 or proposed section 240AA.

Schedule 1 [74] makes a consequential amendment.

Schedule 1 [85] makes a consequential amendment to a note that refers to the cancellation of authorisations.

Waiver of minor procedural matters

Schedule 1 [54] and [67] omit provisions about the waiver of minor procedural matters relating to renewals and transfers of mining leases and mineral claims, respectively. Those provisions are proposed to be transferred to proposed section 387C.

Schedule 1 [125] inserts a provision (proposed section 387C) that permits the Minister to waive minor procedural matters, including any requirement of the Act or the regulations as to the time within which anything is required to be done, the details to be contained in any notice to be served, lodged or caused to be published by the applicant, the documents or particulars to accompany an application or the furnishing of information by the applicant. The proposed section does not authorise the Minister to waive a requirement unless the Minister is satisfied that the waiver is unlikely to adversely affect any person's rights under the Act or the regulations or to result in any person being deprived of information necessary for the effective exercise of those rights.

Consolidation of provisions that apply to authorisations generally

Schedule 1 [72] inserts a note in a provision about the fact that proposed Schedule 1B applies to small-scale titles, including opal prospecting licences.

Schedule 1 [127] inserts a Schedule making further provision relating to authorisations generally, that applies to and in respect of applications for, and decisions made, in relation to the grant, renewal or transfer of an authorisation, the imposition of conditions on, or variation of conditions of, an authorisation or the variation or suspension of an authorisation and includes provisions that do the following:

- (a) require the relevant decision-maker to take into account the need to conserve and protect the environment in or on the land over which the authorisation is sought and provide that the relevant decision-maker may cause studies (including environmental impact studies) to

- be carried out as considered necessary and require the applicant to reimburse the costs of the studies,
- (b) specify some other matters that may be taken into account in considering applications, including whether the applicant or transferee meets the minimum standards made public by the relevant decision-maker and has the technical and financial capability to carry out the proposed work program and the compliance history of the applicant or transferee,
 - (c) provide that the relevant decision-maker may require an applicant to furnish further information and that an application may be refused if the applicant does not furnish the information on time,
 - (d) specify some of the grounds on which an application may be refused (which are not exhaustive) which include where the relevant decision-maker considers that the applicant or the transferee has an unsatisfactory compliance history, does not meet the applicable minimum standards with respect to work programs, does not have the technical and financial capability to carry out the proposed work program or has not paid any fee or lodged any information required,
 - (e) provide that an authorisation is subject to any condition imposed by the relevant decision-maker (at the time of the grant of the authorisation or at any subsequent time, including any variation of such a condition), statutory conditions about security deposits and any conditions prescribed by the regulations,
 - (f) specify a list of conditions that may be imposed (which is not exhaustive) including conditions relating to environmental management, protection and rehabilitation, conditions relating to compliance with codes of practice or set of standards published by any person or body and conditions requiring reports,
 - (g) provide that a mining lease that is not granted in relation to a mining purpose or mining purposes only is subject to a condition that the holder of the lease will not suspend mining operations in the mining area otherwise than in accordance with the written consent of the decision-maker,
 - (h) enable rehabilitation and security deposit conditions to be imposed on authorisations for impacts outside the area to which an authorisation relates,
 - (i) provide for the relevant decision-maker to exempt the holder of an authorisation from compliance with a condition imposed by the regulations,
 - (j) provide that the relevant decision-maker may vary an authorisation (including vary, add or remove any condition of the authorisation) during the term of the authorisation and for the variation of conditions imposed by the regulations,
 - (k) provide for the suspension of conditions of authorisations (whether on the application of the holder of the authorisation or otherwise).

Records and reports

Schedule 1 [55] creates a separate Division about the registration of interests and other matters.

Schedule 1 [56] inserts provisions about reports and records that:

- (a) extend a provision requiring the lodging of reports so that it applies to holders of any authorisation (it currently applies only to authorities) and to reports in relation to all operations carried out under the authority (it currently applies only to prospecting activity), and
- (b) require the holder of an authorisation to collect samples as required by the regulations, and
- (c) require any record required to be created and maintained under the Act, the regulations, a condition of an authorisation or a term of an activity approval to be kept in a legible form for not less than 4 years after the expiry or cancellation of the authorisation, and
- (d) make it clear that any information received from or served or lodged by agents is taken to have been received from or served or lodged by the relevant principal.

Environmental, rehabilitation and other directions

Schedule 1 [78] provides that in the Division about environmental, rehabilitation and other directions a reference to giving a direction or notice to a responsible person includes giving it to an administrator, receiver or liquidator.

Schedule 1 [79] makes it clear that a direction to a responsible person to carry out or stop carrying out particular activities and achieve specified outcomes may be specified in any condition of a direction.

Schedule 1 [80] provides that a direction served under the Part about protection of the environment may require the person to prepare and submit reports as to the measures the person proposes to take for the purpose of complying with the direction or the progress made by the person in implementing any such measures.

Schedule 1 [81] inserts provisions that:

- (a) allow the Secretary or an inspector to direct a person to discontinue an activity if, in the Minister's opinion, an activity is being carried out, or is about to be carried out by a person in contravention of the Act or a condition of an authorisation, and
- (b) alter the circumstances in which the Secretary may issue a suspension notice directing a responsible person to suspend operations under an authorisation, so that it can be issued only if the Secretary or inspector considers that circumstances exist that could constitute a ground for cancellation of the authorisation or on any other ground specified in the regulations, provide for the cancellation of the authorisation at the end of the suspension period unless conditions specified in the direction are met and that a suspension notice may take effect on a later date specified in the notice (rather than on the date on which the notice is given, as at present).

Schedule 1 [77] makes a consequential amendment.

Schedule 1 [82] provides that a direction may be varied by modification of, or addition to, any conditions specified in the direction.

Schedule 1 [83] provides that a suspension notice may be varied by extending the period of suspension.

Schedule 1 [84] extends the offence of breaching a direction to include breaching a suspension notice.

Schedule 1 [86] provides that a fee payable to enable the recovery of the administrative costs of preparing and issuing a direction is a debt due by the holder of the authorisation concerned to the Crown and is recoverable in a court of competent jurisdiction.

Schedule 1 [87] provides that prior notice does not have to be given before a direction under section 240 can be given.

Schedule 1 [91] provides that documents prepared under directions under proposed section 240AA are not protected documents.

Powers of entry and inspection

Schedule 1 [92] omits a redundant Division heading.

Schedule 1 [93] and [94] make consequential amendments to provisions that will now apply to the whole Part about powers of entry and inspection and not only to one Division.

Schedule 1 [95] extends a provision empowering an inspector to demand a name and address to apply to a person whom the inspector suspects on reasonable grounds to have offended or to be offending against any provision of the Act or the regulations (and not only section 248K, as at present).

Schedule 1 [96] provides that a Division about powers of entry and search applies whether or not a power of entry under the Division is being or has been exercised.

Schedule 1 [97] omits a provision conferring additional powers of entry.

Schedule 1 [98] modifies a provision relating to requirements to furnish records or information or answer questions so that it is in a modern style.

Extraterritorial application

Schedule 1 [99] omits a provision about the extraterritorial application of a notice given under Part 12 (Powers of entry and inspection). That provision is proposed to be transferred to section 387B.

Schedule 1 [125] inserts a section (proposed section 387B) that provides for the extraterritorial application of all notices under the Act (which may be given even though the person is outside the State or the matter occurs or is located outside the State, so long as the matter relates to the administration of the Act).

Payment of fees and levies

Schedule 1 [102] provides that a holder of an authorisation who fails to pay any annual rental fee or annual administrative levy payable for the authorisation is guilty of an offence.

Schedule 1 [103] omits an existing provision about the failure to pay fees.

Schedule 1 [104] provides for the Secretary to refund or waive payment of fees, in certain circumstances.

Schedule 1 [105] provides for the Secretary to allocate any money collected by way of a levy for any purpose if the Secretary is satisfied that the reasons for which the application to allocate the money was made are consistent with the purposes for which the levy was imposed and the allocation is appropriate and reasonable for achieving those purposes.

Schedule 1 [106] makes a consequential amendment.

Schedule 1 [129] makes a consequential amendment to a regulation-making power that currently provides for the making of regulations about the refund or waiver of fees.

Administration

Schedule 1 [69] creates an obligation on the Secretary to keep a record of every variation of a mineral claim (in addition to other records kept).

Schedule 1 [75] creates an obligation on the Secretary to keep a record of every variation of an opal prospecting licence by the Secretary (in addition to other records kept).

Schedule 1 [100] provides that the Minister may use money obtained under a security deposit for a small-scale title to recover or fund the reasonable costs or expenses that the Crown reasonably incurs rehabilitating land affected by activities undertaken under any small-scale title.

Schedule 1 [107] requires the Secretary to publish in the Gazette the classes of persons appointed as inspectors under the Act and any conditions, limitations or restrictions, or limitation on purposes, imposed by the Secretary on the appointment of those inspectors.

Schedule 1 [108] modifies a provision that currently prevents the Minister or any person employed in the Department from holding an authority, mineral claim or an opal prospecting licence. The new provision prevents the Minister, an inspector, certain members of staff of the Department and certain persons who exercise judicial or official functions while holding office in an official capacity from holding either directly or indirectly a beneficial interest in an authority, a mineral claim or a prospecting licence.

Schedule 1 [109] provides for the use and disclosure of information provided under certain conditions of an authorisation.

Schedule 1 [110] provides that the regulator may enter into an information sharing arrangement with a relevant agency for the purposes of sharing or exchanging information of the type listed in the provision that is held by the regulator or the agency.

Offences, enforcement and undertakings about contraventions

Schedule 1 [111] updates the heading to a Part, to reflect that, as a result of other proposed amendments, the Part will be about offences, enforcement and undertakings about contraventions.

Schedule 1 [112] makes it an offence to obstruct, hinder or resist an inspector, an authorised person, certain members of staff of the Department and persons who exercise any judicial or official functions (currently the offence relates to any person in the exercise of a function under the Act).

Schedule 1 [113] modifies a provision that creates an offence of furnishing false or misleading information. The new provision makes it an offence for a person other than an applicant to provide any information, record or return in purported compliance with any requirement by or under the Act that the person knows is false or misleading in a material particular. An applicant who provides such information is also guilty of an offence.

Schedule 1 [114]–[116] and [121] remove a distinction between offences for breaches of different categories of conditions of authorisations.

Schedule 1 [117] makes it an offence to aid, abet, counsel or procure another person to commit, or to conspire to commit, an offence against the Act or the regulations.

Schedule 1 [118] amends the offences that will be offences attracting executive liability. Those offences will now be offences against section 5 (Mining or prospecting without authorisation), 240C (Breach of direction) or 378D (Contravention of conditions of authorisation—offence by holder) that are committed by a corporation.

Schedule 1 [119] updates a provision about continuing offences, to use more modern language.

Schedule 1 [120] omits a cross-reference to an uncommenced provision.

Schedule 1 [122] modifies the list of offences (currently in Part 2 of Schedule 7) that are to be dealt with on indictment.

Schedule 1 [123] modifies the list of offences (currently in Part 3 of Schedule 7), proceedings for which must be commenced within 3 years after the date on which the offence is alleged to have been committed or after the date on which evidence of the alleged offence first came to the attention of an inspector.

Schedule 1 [132] omits a Schedule that will be redundant as a consequence.

Schedule 1 [124] (to the extent it inserts Division 4A in Chapter 17A) provides that, if a court is satisfied, on the balance of probabilities, that a person has prospected for or mined a mineral otherwise than in accordance with an authorisation, the court may order the person to pay to a government agency or person certain costs and expenses incurred, or compensation for loss or damage suffered.

Schedule 1 [124] (to the extent it inserts Division 4B in Chapter 17A) provides that the Secretary may accept a written undertaking, which is enforceable, given by a person in connection with a contravention or alleged contravention of the Act and that:

- (a) such an undertaking is not an admission of guilt and that proceedings cannot be brought for a contravention or alleged contravention of the Act if an undertaking is in effect in relation to that contravention, and
- (b) require the Secretary to give a person seeking to make an undertaking notice of the Secretary's decision to accept or reject the undertaking and the reasons for doing so, and
- (c) specify when an undertaking takes effect and becomes enforceable, and
- (d) make it an offence for a person to contravene an undertaking given by the person, and
- (e) provide for the Secretary to apply to the District Court for an order to comply with the undertaking or an order discharging the undertaking and orders as to costs, and
- (f) provide for a person to withdraw or vary an undertaking.

Minor amendments

Schedule 1 [88] corrects a cross-reference.

Schedule 1 [89] omits a redundant definition.

Schedule 1 [126] provides that the regulations may adopt or provide for the adoption of any document (including a code of practice) and for the application of the provisions of that document, as in force from time to time, for any of the purposes of the Act or the regulations.

Schedule 1 [128] provides that documents prepared for public consultation with respect to the granting of assessment leases and mining leases must contain a description, prepared in the approved manner, of the land over which the lease is sought.

Schedule 1 [130] validates certain delegations of functions under the *Environmental Planning and Assessment Act 1979*.

Schedule 1 [131] makes savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 1 [133] inserts definitions used in other proposed amendments.

Schedule 1 [134] updates a definition.

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

Types of petroleum titles dealt with by amendments

Schedule 2 makes provision about petroleum titles, that is, the following:

- (a) an exploration licence (which gives its holder the exclusive right to prospect for petroleum on the land comprised in the licence),
- (b) an assessment lease (which gives its holder the exclusive right to prospect for petroleum and to assess any petroleum deposit on the land comprised in the licence),
- (c) a special prospecting authority (which gives its holder the exclusive right to conduct speculative geological, geophysical or geochemical surveys or scientific investigations on and in respect of the land comprised in the authority),
- (d) a production lease (which gives its holder the exclusive right to conduct petroleum mining operations in and on the land included in the lease, together with the right to construct and maintain on the land such works, buildings, plant, waterways, roads, pipelines, dams, reservoirs, tanks, pumping stations, tramways, railways, telephone lines, electric powerlines and other structures and equipment as are necessary for the full enjoyment of the lease or to fulfil the lessee's obligations under it),
- (e) a low-impact prospecting title (which gives its holder the right to carry on prospecting operations that the Minister is satisfied are unlikely to have a significant impact on the land over which the title may be granted).

Grant and refusal of petroleum titles

Schedule 2 [4] inserts a note referring to the fact that proposed Schedule 1B contains further provisions that relate generally to the consideration of applications for the grant, renewal or transfer of a petroleum title, the imposition of conditions on, and the variation of conditions of, a petroleum title and the variation and suspension of petroleum titles.

Schedule 2 [5] specifies the land over which a petroleum title may not be granted.

Schedule 2 [6] omits provisions about the grant of a petroleum title, that are transferred to proposed section 16, that provide that:

- (a) a petroleum title may be granted over land of any title or tenure, and
- (b) a petroleum title takes effect on the date on which it is signed by the Minister or on a later date specified in the title, and
- (c) notification of the grant of a petroleum title or of a refusal to grant an application is to be published in the Gazette, and

- (d) the Minister is to notify the Minister administering the *Threatened Species Conservation Act 1995* of the grant of any petroleum title in relation to land that is a biobank site (within the meaning of Part 7A of that Act).

Schedule 2 [9] omits provisions that allow the Minister to require an applicant for a petroleum title to furnish further information about the applicant's financial capability and to refuse to grant the application if the information is not furnished. Those provisions are proposed to be transferred to clause 5 of Schedule 1B.

Schedule 2 [10] restates provisions about the grant or refusal of an application for a petroleum title over any onshore area. The Minister is required to notify the Minister administering the *Threatened Species Conservation Act 1995* of the grant of any petroleum title in relation to land that is a biobank site.

Schedule 2 [11] omits a provision about the form of petroleum titles, which is not being retained.

Schedule 2 [18] omits a provision about the grounds on which an application may be refused. That provision is proposed to be transferred to clause 5 of Schedule 1B.

Schedule 2 [33] omits a provision (current section 74) requiring the need to protect natural resources and features of Aboriginal, architectural, archaeological, historical or geological interest to be taken into account when deciding whether or not to grant a petroleum title. The obligation to consider the impact on the environment (a term that is broadly defined so as to include features of such interest) is proposed to be transferred to clause 2 of Schedule 1B.

Applications required to be supported by a proposed work program

Schedule 2 [7] replaces a provision that requires applications for a petroleum title to be supported by a proposed work program complying with the regulations and indicating the nature and extent of operations to be carried out under the authority of the title so that it must also set out commitments relating to the conduct of those operations (such as the timing of the operations and provides for the carrying out of activities (such as community consultation and environmental management and rehabilitation) in connection with, or ancillary to, those operations.

Renewal, cancellation and transfer of petroleum titles

Schedule 2 [12] inserts a note referring to the fact that proposed Schedule 1B contains provisions about the consideration of applications for the renewal of petroleum titles and the grounds for refusal of such applications.

Schedule 2 [13] provides that an application for renewal of an exploration licence may include a description of any special circumstances that the applicant claims exist that justify the area of land over which the exploration licence is renewed exceeding the maximum percentage over which the licence is in force when the application for renewal is made.

Schedule 2 [14] omits two provisions, proposed to be transferred to clauses 4 (2) and 5 of Schedule 1B, that provide that the Minister:

- (a) may refuse to grant a renewal of a title on any ground on which the Minister might have refused to grant the title originally or might have cancelled the title during its term, and
- (b) may also refuse to grant a renewal of title unless all data and reports due under the regulations have been submitted, and all data gathered, and operations carried on, during any period not covered in any such report are made the subject of a full report submitted to the Minister.

Schedule 2 [15] provides that requirements about fees that relate to titles and applications for titles do not apply in the same way to renewals and applications for renewals.

Schedule 2 [16] transfer an existing provision about the power of the Minister in relation to renewals of petroleum titles, part of which is proposed to be transferred to Part 2 of Schedule 1B.

Schedule 2 [17] omits a provision about the waiver of minor procedural matters relating to renewals. That provision is proposed to be transferred to proposed section 129B.

Schedule 2 [19] redrafts provisions about the cancellation of petroleum titles, with the additional grounds for cancellation, that the decision-maker is satisfied that there has been a contravention of a direction under section 75 or 77 and also provides that the right to appeal against decisions concerning cancellations of petroleum titles does not apply to a cancellation that was requested by the holder of the petroleum title.

Schedule 2 [21] and [26] make consequential amendments to cross-references that refer to suspensions of petroleum titles.

Schedule 2 [24] inserts a note in a provision about the fact that proposed section 19B makes provision for the size of the area over which the renewal of an exploration licence may be granted.

Schedule 2 [40] inserts a note referring to the fact that proposed Schedule 1B contains provisions about the consideration of applications for the transfer of petroleum titles and the grant or refusal of such applications.

Beneficial use of gas yielded through prospecting

Schedule 2 [23] provides that the holder of an exploration licence or assessment lease has the right to carry on such operations as may be described by the regulations to enable the beneficial use of gas recovered from the land comprised in the licence or lease, but only if that gas would otherwise have been flared or released into the atmosphere as part of activities under the licence or lease. That provision is specific to the *Petroleum (Onshore) Act 1991*.

Activity approvals required for assessable prospecting operations

Schedule 2 [25] and [27] provide that exploration licences and assessment leases are subject to a statutory condition that the holder of the licence must not carry out an assessable prospecting operation on land unless an activity approval has been obtained for the carrying out of the assessable prospecting operation in relation to that land and is in force (such a requirement is presently imposed by conditions of licences or leases, in some cases only). An ***assessable prospecting operation*** is defined in **Schedule 2 [2]** to mean any prospecting operation that is not exempt development within the meaning of the *Environmental Planning and Assessment Act 1979*. The proposed amendments also provide for the making of applications for activity approvals and for their consideration, the terms that may be imposed on them and their variation and cancellation.

Consolidation of provisions that apply to petroleum titles generally

Schedule 2 [20] omits provisions about the imposition and suspension of conditions on petroleum titles. Those provisions are proposed to be transferred to Part 3 of Schedule 1B.

Schedule 2 [32] provides that a condition included in a production lease in accordance with a direction of the Premier may only be varied with the concurrence of the Premier.

Schedule 2 [33] omits provisions (Division 1 of Part 6) requiring the need to protect natural resources and features of Aboriginal, architectural, archaeological, historical or geological interest to be taken into account when deciding whether or not to grant a petroleum title and provisions (Division 2 of Part 6) about the imposition of condition on petroleum titles for protecting the environment. Those provisions are to be transferred to clauses 2 and 6 (2) of proposed Schedule 1B.

Schedule 2 [43] provides that a security deposit condition of a petroleum title may be imposed in relation to any impact that is the result of work carried out under the relevant petroleum title, whether or not that impact is in relation to land over which the petroleum title is to be or was granted.

Schedule 2 [50] inserts a Schedule making further provision relating to petroleum titles generally, that applies to and in respect of applications for, and decisions made by the Minister in relation to the grant, renewal or transfer of a petroleum title, the imposition of conditions on, or variation of conditions of, a petroleum title or the variation or suspension of a petroleum title and includes provisions that do the following:

- (a) require the Minister to take into account the need to conserve and protect the environment in or on the land over which the petroleum title is sought and provide that the Minister may cause studies (including environmental impact studies) to be carried out as considered necessary and require the applicant to reimburse the costs of the studies,
- (b) specify some other matters that may be taken into account in considering applications, including whether the applicant or transferee meets the minimum standards made public by the Minister and has the technical and financial capability to carry out the proposed work program and the compliance history of the applicant or transferee,
- (c) provide that the Minister may require an applicant to furnish further information and that an application may be refused if the applicant does not furnish the information on time,
- (d) specify some of the grounds on which an application may be refused (which are not exhaustive) which include where the Minister considers that the applicant or the transferee has an unsatisfactory compliance history, does not meet the applicable minimum standards with respect to work programs or have the technical and financial capability to carry out the proposed work program or has not paid any fee or lodged any information required,
- (e) provide that a petroleum title is subject to any condition imposed by the Minister (at the time of the grant of the petroleum title or at any subsequent time, including any variation of such a condition), statutory conditions about security deposits and any conditions prescribed by the regulations,
- (f) specify a list of conditions that may be imposed (which is not exhaustive) including conditions relating to environmental management, protection and rehabilitation, conditions relating to compliance with codes of practice or set of standards published by any person or body and conditions requiring reports,
- (g) enable rehabilitation and security deposit conditions to be imposed on petroleum titles for impacts outside the area to which a petroleum title relates,
- (h) provide for the Minister may exempt the holder of a petroleum title from compliance with a condition imposed by the regulations,
- (i) provide that the Minister may vary a petroleum title (including vary, add or remove any condition on the petroleum title) during the term of the petroleum title and for the variation of conditions imposed by the regulations,
- (j) provide for the suspension of conditions of petroleum titles (whether on the application of the holder of the petroleum title or otherwise).

Environmental, rehabilitation and other directions

Schedule 2 [33] also replaces provisions enabling the Secretary or an inspector to issue environmental, rehabilitation and other directions with provisions that mirror Division 3 of Part 11 of the *Mining Act 1992*, as proposed to be amended by this Bill, which do the following:

- (a) allow the Secretary or an inspector to direct a person to discontinue an activity if, in the Minister's opinion, an activity is being carried out, or is about to be carried out by a person in contravention of the Act or a condition of a petroleum title,
- (b) allow the Secretary to issue a suspension notice directing a responsible person to suspend operations under a petroleum title, only if the Secretary or inspector considers that circumstances exist that could constitute a ground for cancellation of the petroleum title or on any other ground specified in the regulations, and provide for the cancellation of the title at the end of the suspension period unless conditions specified in the direction are met,
- (c) provide for the revocation or variation of a direction,
- (d) make it an offence for a person to fail to comply with a direction,
- (e) provide that issuing a direction does not affect the liability of any person to any penalty for an offence in relation to a petroleum title, the amount of security deposit that is or may be required under a petroleum title or the operation of any other provision of the Act or the regulations,

- (f) provide for the payment of fees to cover the administrative costs of preparing and issuing a direction,
- (g) provide for the Minister to take any action necessary to give effect to a direction about rehabilitation and to recover the costs and expenses of the person on whom the direction was served and for the recovery of the costs of rehabilitation as a debt due to the Crown.

Audits of petroleum prospecting or mining

Schedule 2 [34] inserts a new Division about audits (which mirrors Division 6 of Part 11 of the *Mining Act 1992*, as proposed to be amended by this Bill) and includes provisions that do the following:

- (a) specify the nature of an audit under the proposed Division, that is, as a periodic or particular documented evaluation of prospecting or mining for petroleum,
- (b) provide that the regulations may make provision for or with respect to the accreditation of auditors or the carrying out of audits by auditors,
- (c) enable the Secretary to impose mandatory audit conditions on petroleum titles,
- (d) provide for the certification of an audit report by the holder of the petroleum title and the auditor,
- (e) create offences relating to failing to provide information to an auditor or in an audit and failing to retain or produce documentation,
- (f) provide that self-incriminatory information is not exempt from the obligations of a person in relation to a mandatory audit,
- (g) limit the use of information in an audit report or other documentation supplied to the Secretary in a mandatory audit,
- (h) provide for the nature of a voluntary audit,
- (i) protect documents prepared for the sole purpose of a voluntary audit, specify the nature of the protection of those documents and provide for the lifting of that protection,
- (j) provide for certification of an audit report.

Payment of royalty and fees

Schedule 2 [35] makes it an offence for a person to fail to pay any royalty that the person is required to pay under the Act (which mirrors section 91A of the *Mining Act 1992*).

Schedule 2 [36] provides that the regulations may make provision about the refund or rebate of royalty payable or paid under the Act.

Schedule 2 [37] makes it an offence for a person to fail to pay an annual rental fee or administrative levy that the person is required to pay in relation to a petroleum title.

Schedule 2 [38] omits an existing provision about the failure to pay fees.

Schedule 2 [39] provides for the Secretary to refund or waive payment of fees, in certain circumstances.

Records and reports

Schedule 2 [41] inserts provisions about reports and records (which mirror Division 3 of Part 8 of the *Mining Act 1992*, as proposed to be amended by this Bill) including provisions that do the following:

- (a) require the holder of a petroleum title to keep accurate geological plans, maps and records relating to the land comprised in the title and furnish to the Minister such geological and other plans and information as to the progress of operations on such land as the Minister may from time to time require (transferred from current section 131 (2) of the *Petroleum (Onshore) Act 1991*),

- (b) require the holder of a petroleum title and any other person carrying on any operation in connection with any such title to furnish certain statistics, returns and other information as required and keep records necessary for the completion of any such statistics and returns (transferred from current section 132 of the *Petroleum (Onshore) Act 1991*),
- (c) require the holder of a petroleum title to collect samples as required by the regulations,
- (d) require any record required to be created and maintained under the Act, the regulations, a condition of a petroleum title or a term of an activity approval to be kept in a legible form for not less than 4 years after the expiry or cancellation of the petroleum title.

Powers of entry and inspection

Schedule 2 [42] inserts provisions aligning powers of entry and inspection with those in Part 17A of the *Mining Act 1992*, as proposed to be amended by this Bill, including provisions that do the following:

- (a) specify that powers under the proposed Part may be exercised for determining whether there has been compliance with or a contravention of the Act or the regulations or any petroleum title, direction, notice or requirement issued or made under the Act, obtaining information or records for purposes connected with the administration of the Act or generally for administering the Act,
- (b) provide that an inspector may give a notice to a person to require the person to furnish to the inspector such information or records (or both) as the inspector requires by the notice in connection with any matter relating to the administration of the Act,
- (c) provide power for inspectors to enter premises at which the inspector reasonably suspects that any prospecting or mining operations are being or are about to be carried out or have been, or that are being or are likely to be affected by prospecting operations or mining operations, at any time,
- (d) make it clear that the proposed Division does not entitle an inspector to enter any part of premises used only for residential purposes without the permission of the occupier or the authorisation of a search warrant,
- (e) provide power for an inspector or the Secretary to require a person to produce information and records or to answer questions in relation to an alleged breach or require a person whom the inspector suspects on reasonable grounds to have offended or to be offending against a provision of the Act or the regulations to state his or her full name and residential address,
- (f) make it an offence to obstruct, hinder or resist an inspector, an authorised person, certain members of staff of the Department and persons who exercise any judicial or official functions under the Act,
- (g) make it an offence for a person to provide any information, record or return in purported compliance with any requirement by or under the Act that the person knows is false or misleading in a material particular.

Land and Environment Court proceedings

Schedule 2 [44] inserts a new Part (which mirrors current Part 15 of the *Mining Act 1992*) containing provisions about Land and Environment Court proceedings that do the following:

- (a) set out the jurisdiction of the Land and Environment Court to hear and determine proceedings relating to certain matters (which is transferred from current section 115 of the *Petroleum (Onshore) Act 1991*), and
- (b) provide for the Court to order any other party to the proceedings to deposit, pending its decision, any earth, petroleum, money or chattels the right to which will, in the opinion of the Court, be put in issue in the course of those proceedings, and which may then be in, or at any time before the termination of the proceedings may come into, the possession or control of that other party (which mirrors current section 294 of the *Mining Act 1992*) or to prohibit extraction of such petroleum,

- (c) provide for the Court to grant an injunction restraining any specified person from encroaching on, occupying, using or working land or property that another person claims an interest in or from doing certain things in relation to that land (which mirrors current section 295 of the *Mining Act 1992*),
- (d) provide for the granting of injunctions in cases of urgency (which mirrors current section 296 of the *Mining Act 1992*),
- (e) provide for the making of orders protecting adjacent petroleum titles (which mirrors current section 297 of the *Mining Act 1992*),
- (f) provide for the Court to order payment of money or delivery of petroleum (which mirrors current section 298 of the *Mining Act 1992*).

Administration

Schedule 2 [44] also inserts a new Part (which mirrors Part 17 of the *Mining Act 1992*, as proposed to be amended by this Bill) containing provisions about the administration of the Act that do the following:

- (a) exclude the Minister, Secretary and certain persons from personal liability (which is transferred from sections 125 and 126A of the *Petroleum (Onshore) Act 1991*),
- (b) provide for the delegation of functions by the Minister or the Secretary (which is transferred from section 127 of the *Petroleum (Onshore) Act 1991*),
- (c) modify the circumstances in which the Minister, an inspector, certain members of staff of the Department and certain persons who exercise judicial or official functions while holding office in an official capacity are prohibited from holding either directly or indirectly a beneficial interest in a petroleum title (this is transferred from section 127A of the *Petroleum (Onshore) Act 1991*).

Schedule 2 [45] and [47] omit the existing provisions proposed to be so transferred.

Schedule 2 [49] updates a cross-reference to one of the provisions proposed to be transferred.

Release of information

Schedule 2 [44] also inserts a new Part (some of the provisions of which mirror provisions of the *Mining Act 1992*, as proposed to be inserted by this Bill) containing provisions about the release of information that do the following:

- (a) enable the release by the Minister of certain data (which is transferred from section 118 of the *Petroleum (Onshore) Act 1991*),
- (b) enable the release by the Minister of any cores or cuttings from, or samples of, the subsoil in a block, or samples of petroleum recovered in a block, that have been furnished to the Minister under the Act (which is transferred from section 119 of the *Petroleum (Onshore) Act 1991*),
- (c) provide for the release by the Minister of summaries of work programs,
- (d) provide for the release by the Minister of information that relates to the subsoil, or to petroleum, in a block, and that, in the opinion of the Minister, is a conclusion drawn in whole or in part from opinions based on such information (which is transferred from sections 120–124 of the *Petroleum (Onshore) Act 1991*),
- (e) otherwise prohibit the disclosure of any information obtained in connection with the administration or execution of the Act except in certain circumstances (which mirrors section 365 of the *Mining Act 1992*),
- (f) authorise the Minister or the Secretary to enter into arrangements for the purpose of sharing or exchanging any information held by them (which mirrors proposed section 365A of the *Mining Act 1992*).

Offences, enforcement and undertakings

Schedule 2 [44] also inserts a new Part (which mirrors Part 17A of the *Mining Act 1992*, as proposed to be amended by this Bill), which contains provisions that do the following:

- (a) make it an offence to obstruct, hinder or resist inspectors and other persons in the exercise of functions under the Act or to obstruct the holder of a petroleum title from doing any act authorised under the Act,
- (b) make it an offence to provide false or misleading information in connection with an application or when furnishing information in response to other requirements under the Act,
- (c) make it an offence for the holder of a petroleum title to contravene a condition of the title (which is transferred from section 136A of the *Petroleum (Onshore) Act 1991*),
- (d) make it an offence to aid, abet, counsel or conspire in the commission of an offence,
- (e) specify offences as executive liability offences, where the directors of a corporation will be liable for an offence when a corporation that is a holder of a petroleum title contravenes a direction or a condition of a petroleum title held by a corporation is contravened,
- (f) provide for continuing offences,
- (g) provide for proceedings for offences and the time within which summary proceedings may be commenced,
- (h) provide for the issue of penalty notices,
- (i) provide for restraining orders directing that any property of a defendant in proceedings under the Act is not to be disposed of, or otherwise dealt with, by the defendant or by any other person, except in such manner and in such circumstances (if any) as are specified in the order,
- (j) provide for court orders in connection with offences, including orders for costs, expenses and compensation at the time when an offence is proved or at a later time and orders regarding the costs and expenses of investigations,
- (k) provide that a court that is satisfied, to a civil standard that a person has carried out unauthorised prospecting or mining may order the person to pay costs and expenses incurred in the prevention or management of any environmental impact or rehabilitating land or water or to pay compensation for loss or damage suffered,
- (l) provide for the giving of enforceable undertakings in relation to contraventions of statutory provisions,
- (m) provide for prima facie evidence of certain matters under the Act.

Minor amendments

Schedule 2 [1] inserts an objects section. The objects of the Act are to encourage and facilitate the discovery and development of petroleum resources in New South Wales, having regard to the need to encourage ecologically sustainable development. (The proposed section mirrors current section 3A of the *Mining Act 1992*.)

Schedule 2 [2] inserts definitions of terms used in the proposed amendments.

Schedule 2 [3] updates a definition.

Schedule 2 [8] updates terminology (a reference to “financial standing” is updated to “financial capability”).

Schedule 2 [28], [29] and [31] update references to Departments, to use modern terms.

Schedule 2 [30] and [31] update references to an office-holder.

Schedule 2 [46] inserts a provision (proposed section 129B) that permits the Minister to waive minor procedural matters, including any requirement of the Act or the regulations as to the time within which anything is required to be done, the details to be contained in any notice to be served, lodged or caused to be published by the applicant, the documents or particulars to accompany an application or the furnishing of information by the applicant. The proposed section does not

authorise the Minister to waive a requirement unless the Minister is satisfied that the waiver is unlikely to adversely affect any person's rights under the Act or the regulations or to result in any person being deprived of information necessary for the effective exercise of those rights.

Schedule 2 [48] provides that the regulations may adopt or provide for the adoption of any document (including a code of practice) and for the application of the provisions of that document, as in force from time to time, for any of the purposes of the Act or the regulations.

Schedule 2 [51] makes savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 3 Consequential amendment of other Acts

Amendment of Dams Safety Act 2015 No 26

Schedule 3.1 omits an uncommenced amendment to the *Mining Regulation 2010*, as a consequence of proposed amendments to the *Mining Act 1992*.

Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 3.2 updates a reference to a provision of the *Petroleum (Onshore) Act 1991* that is being amended by Schedule 2.

Amendment of Fines Act 1996 No 99

Schedule 3.3 updates a reference to the provision of the *Petroleum (Onshore) Act 1991* under which penalty notices are issued, which is being transferred by Schedule 2.

Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 3.4 updates a reference to the provision of the *Petroleum (Onshore) Act 1991* under which search warrants are issued, which is being transferred by Schedule 2.

Amendment of Offshore Minerals Act 1999 No 42

Schedule 3.5 amends a provision about decisions on an application for renewal of an exploration licence, to provide for renewal at the discretion of the Minister.

Amendment of Protection of the Environment Operations Act 1997 No 156

Schedule 3.6 updates references to offences under the *Petroleum (Onshore) Act 1991* that are being modified or transferred by Schedule 2.