

LEGISLATIVE COUNCIL

Mining and Petroleum Legislation Amendment (Harmonisation) Bill 2015

First print

Proposed amendments

No. 1 **Re-instatement of public interest test**

Page 27, Schedule 1. Insert after line 6:

[125] Section 380A

Omit the section. Insert instead:

380A Public interest relevant ground for making certain decisions about mining rights

- (1) In this section, *mining right* means an exploration licence, an assessment lease, a mining lease, a mineral claim or an opal prospecting licence.
- (2) The public interest is a ground (in addition to any other available ground) on which any of the following decisions may be made under this Act:
 - (a) a decision to refuse to grant, renew or transfer a mining right,
 - (b) a decision to refuse a tender for a mining right,
 - (c) a decision to cancel a mining right or to suspend operations under a mining right (in whole or in part),
 - (d) a decision to restrict operations under a mining right by the imposition or variation of conditions of a mining right.
- (3) To avoid doubt, sections 127 (1) and 205 (1) extend to the cancellation of a mining right under this section.
- (4) This section has effect despite anything to the contrary in this Act.

No. 2 **Re-instatement of public interest test**

Page 37, Schedule 1 [131]. Insert after line 7:

Operation of public interest test

Section 380A (as replaced by the 2015 amending Act) applies to any decision made after the replacement of that section, including:

- (a) a decision with respect to an application or other matter that was pending on that replacement, and

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- (b) a decision based on conduct that occurred, or on a matter that arose, before that replacement.

No. 3 **Definition of “rehabilitation”**

Page 37, Schedule 1 [133]. Insert after line 19:

rehabilitation means the treatment or management of land, or of water, such that it is returned to its original condition or to an improved condition and is a safe and stable environment, including (but not limited to) the following:

- (a) the levelling, regrassing, reforesting or contouring of any part of the land the subject of the title,
- (b) the filling in of any voids,
- (c) the filling in or sealing of excavation and drill holes.

No. 4 **Definition of “rehabilitation”**

Page 39, Schedule 2 [2]. Insert after line 3:

rehabilitation means the treatment or management of land, or of water, such that it is returned to its original condition or to an improved condition and is a safe and stable environment, including (but not limited to) the following:

- (a) the levelling, regrassing, reforesting or contouring of any part of the land the subject of the title,
- (b) the filling in of any voids,
- (c) the filling in or sealing of excavation and drill holes.

No. 5 **Re-instatement of public interest test**

Page 44, Schedule 2 [21], lines 5–7. Omit all words on those lines. Insert instead:

[21] Section 24A

Omit the section. Insert instead:

24A Public interest relevant ground for making certain decisions about petroleum titles

- (1) The public interest is a ground (in addition to any other available ground) on which any of the following decisions may be made under this Act:
 - (a) a decision to refuse to grant, renew or transfer a petroleum title,
 - (b) a decision to cancel a petroleum title or to suspend operations under a petroleum title (in whole or in part),
 - (c) a decision to restrict operations under a petroleum title by the imposition or variation of conditions of a petroleum title.
- (3) To avoid doubt, section 22A (6) extends to the cancellation of a petroleum title under this section.
- (4) This section has effect despite anything to the contrary in this Act.

No. 6 **Re-instatement of public interest test**

Page 99, Schedule 2 [51]. Insert after line 34:

Operation of public interest test

Section 24A (as replaced by the 2015 amending Act) applies to any decision made after the replacement of that section, including:

- (a) a decision with respect to an application or other matter that was pending on that replacement, and

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- (b) a decision based on conduct that occurred, or on a matter that arose, before that replacement.