

**NATIONAL PARKS AND WILDLIFE (MINING PROHIBITION)  
AMENDMENT ACT 1990 No. 71**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of National Parks and Wildlife Act 1974 No. 80

**SCHEDULE 1 - AMENDMENTS**

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**NATIONAL PARKS AND WILDLIFE (MINING PROHIBITION)  
AMENDMENT ACT 1990 No. 71**

**NEW SOUTH WALES**



**Act No. 71, 1990**

An Act to amend the National Parks and Wildlife Act 1974 in connection with prospecting and mining in national parks and certain other lands reserved or dedicated under that Act. [Assented to 28 November 1990]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the National Parks and Wildlife (Mining Prohibition) Amendment Act 1990.

**Commencement**

2. This Act commences on the date of assent.

**Amendment of National Parks and Wildlife Act 1974 No. 80**

3. The National Parks and Wildlife Act 1974 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 5 (**Definitions**):

Section 5 (1):

Insert, in alphabetical order, the following definitions:

"**minerals**" includes coal, shale and petroleum;

"**prospect**" means search for any mineral by any means and carry out such works and remove such samples as may be necessary to test the mineral bearing qualities of land;

(2) Section 41:

Omit the section, insert instead:

**Mining**

41. (1) It is unlawful to prospect or mine for minerals in a national park or historic site, except as expressly authorised by an Act of Parliament.

(2) The Mining Act 1973, the Coal Mining Act 1973, the Petroleum Act 1955 and the Petroleum (Submerged Lands) Act 1982 do not apply to or in respect of lands within a national park or historic site.

SCHEDULE 1 - AMENDMENTS - *continued*

(3) This section does not apply to or in respect of existing interests, or the renewal or extension of the term of any such interest, as referred to in section 39.

(4) The Minister may, subject to such terms and conditions as the Minister may determine from time to time, approve of prospecting for minerals being carried out on behalf of the Government in a national park or historic site by a person nominated by the Minister for Minerals and Energy.

(5) Such an approval has no force unless, before the approval is granted, notice of intention to grant the approval is laid before both Houses of Parliament and:

- (a) no notice of motion that the approval not be granted is given in either House of Parliament within 15 sitting days of that House after the notice of intention was laid before it; or
- (b) if notice of such a motion is given, the motion is withdrawn, is defeated or lapses.

(6) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an approval specified in the certificate is conclusive evidence of compliance with those requirements.

(7) Except as provided by this section, nothing in this section affects the right, title or interest of any person in respect of minerals in any lands within a national park or historic site.

(3) Section 54:

Omit the section, insert instead:

**Mining**

54. The provisions of section 41 apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site.

SCHEDULE 1 - AMENDMENTS - *continued*

(4) Section 58F:

Omit the section, insert instead:

**Mining**

58F. The provisions of section 41 apply to and in respect of a state game reserve in the same way as they apply to and in respect of a national park or historic site.

(5) Section 64:

Omit the section, insert instead:

**Mining**

64. The provisions of sections 41 and 42 apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site.

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[*Minister's second reading speech made in -  
Legislative Assembly on 17 October 1990  
Legislative Council on 22 November 1990*]









FIRST PRINT

**NATIONAL PARKS AND WILDLIFE (MINING PROHIBITION)  
AMENDMENT BILL 1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the National Parks and Wildlife Act 1974 so as to prohibit prospecting and mining in national parks, historic sites, nature reserves, state game reserves and Aboriginal areas.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the proposed Act to commence on assent.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

**Schedule 1 (1)** defines expressions used in the proposed amendments.

**Schedule 1 (2)** makes it unlawful to prospect or mine for minerals in a national park or historic site, subject only to the following exceptions:

- (a) authorisation by a later Act of Parliament;
- (b) activity authorised by licences etc. in force at the time the national park or historic site was reserved;
- (c) prospecting on behalf of the Government (following notice to both Houses of Parliament and approval by the Minister).

*National Parks and Wildlife (Mining Prohibition) Amendment 1990*

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**Schedule 1 (3) applies the above provisions to nature reserves.**

**Schedule 1 (4) applies the above provisions to state game reserves.**

**Schedule 1 (5) applies the above provisions to Aboriginal areas.**

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FIRST PRINT

**NATIONAL PARKS AND WILDLIFE (MINING PROHIBITION)  
AMENDMENT BILL 1990**

NEW SOUTH WALES

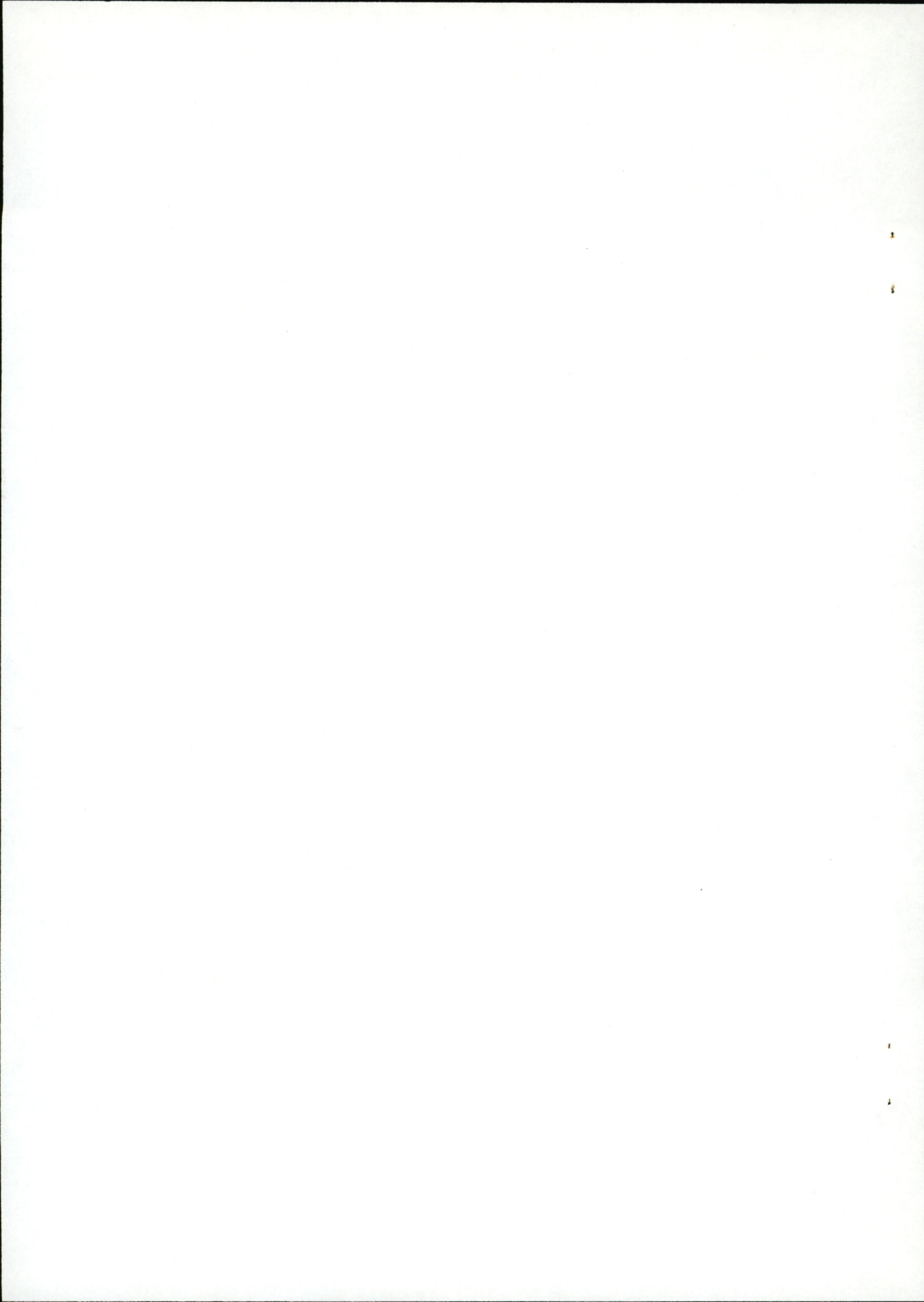


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of National Parks and Wildlife Act 1974 No. 80

SCHEDULE 1 - AMENDMENTS

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**NATIONAL PARKS AND WILDLIFE (MINING PROHIBITION)  
AMENDMENT BILL 1990**

NEW SOUTH WALES



No. , 1990

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**A BILL FOR**

An Act to amend the National Parks and Wildlife Act 1974 in connection with prospecting and mining in national parks and certain other lands reserved or dedicated under that Act.

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*National Parks and Wildlife (Mining Prohibition) Amendment 1990*

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**The Legislature of New South Wales enacts:**

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2. This Act commences on the date of assent.

**Amendment of National Parks and Wildlife Act 1974 No. 80**

3. The National Parks and Wildlife Act 1974 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

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Omit the section, insert instead:

**Mining**

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(2) The Mining Act 1973, the Coal Mining Act 1973, the Petroleum Act 1955 and the Petroleum (Submerged Lands) Act 1982 do not apply to or in respect of lands within a national park or historic site.

SCHEDULE 1 - AMENDMENTS - *continued*

(3) This section does not apply to or in respect of existing interests, or the renewal or extension of the term of any such interest, as referred to in section 39.

(4) The Minister may, subject to such terms and conditions as the Minister may determine from time to time, approve of prospecting for minerals being carried out on behalf of the Government in a national park or historic site by a person nominated by the Minister for Minerals and Energy.

(5) Such an approval has no force unless, before the approval is granted, notice of intention to grant the approval is laid before both Houses of Parliament and:

(a) no notice of motion that the approval not be granted is given in either House of Parliament within 15 sitting days of that House after the notice of intention was laid before it; or

(b) if notice of such a motion is given, the motion is withdrawn, is defeated or lapses.

(6) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an approval specified in the certificate is conclusive evidence of compliance with those requirements.

(7) Except as provided by this section, nothing in this section affects the right, title or interest of any person in respect of minerals in any lands within a national park or historic site.

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Omit the section, insert instead:

**Mining**

54. The provisions of section 41 apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site.



SCHEDULE 1 - AMENDMENTS - *continued*

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Omit the section, insert instead:

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58F. The provisions of section 41 apply to and in respect of a state game reserve in the same way as they apply to and in respect of a national park or historic site.

(5) Section 64:

Omit the section, insert instead:

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64. The provisions of sections 41 and 42 apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site.

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