



New South Wales

Mining and Petroleum Legislation Amendment (Public Interest) Act 2013 No 106

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Mining and Petroleum Legislation Amendment (Public Interest) Act 2013 No 106

Act No 106, 2013

An Act to amend the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* to make the public interest a ground for certain decisions relating to mining or petroleum rights or titles. [Assented to 27 November 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Mining and Petroleum Legislation Amendment (Public Interest) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Mining Act 1992 No 29

Section 380A

Insert after section 380:

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.
- (5) This section applies to any decision made after the commencement of this section, including:
 - (a) a decision with respect to an application or other matter that was pending on that commencement, and
 - (b) a decision that is based on conduct that occurred, or on a matter that arose, before that commencement.

