

Passed by both Houses



New South Wales

Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

Act No , 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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.

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

[1] Section 21 Grounds on which application may be refused

Omit “, or” from section 21 (d) and omit section 21 (e).

[2] Section 24A

Insert after section 24:

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.
- (2) To avoid doubt, section 22 (5) extends to the cancellation of (or suspension of operations under) a petroleum title under this section.
- (3) This section has effect despite anything to the contrary in this Act.
- (4) 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.