

Passed by both Houses



New South Wales

Mining Legislation Amendment (Uranium Exploration) Bill 2012

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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, , 2012*



New South Wales

Mining Legislation Amendment (Uranium Exploration) Bill 2012

Act No , 2012

*An Act to amend the *Mining Act 1992*, the *Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986* and other Acts and instruments with respect to prospecting for uranium and the ownership of uranium; and for other purposes.*

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 Legislation Amendment (Uranium Exploration) Act 2012*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Mining Act 1992 No 29

[1] Section 10A

Insert after section 10:

10A Restriction on grant of authorisations with respect to uranium

An authorisation (other than an exploration licence or an environmental assessment permit relating to an exploration licence) may not be granted in respect of uranium.

[2] Section 379AA

Insert after section 379:

379AA Uranium the property of the Crown

- (1) All uranium existing in a natural state on or below the surface of any land in the State is the property of the Crown, and is taken to have been so always.
- (2) All Crown grants and leases and every licence and other instrument of title or tenure under any Act relating to lands of the Crown, whether granted before or after the commencement of this section, are taken to contain a reservation to the Crown of all uranium existing in a natural state on or below the surface of the land comprised in the instrument concerned.
- (3) No compensation is payable by the Crown for:
 - (a) any uranium that was at any time vested in any person other than the Crown, or
 - (b) any rights or interests in any uranium of any person other than the Crown that are affected by the operation of this section.
- (4) The provisions of this section have effect despite anything contained in section 42 of the *Real Property Act 1900*.
- (5) In this section:

compensation includes damages or any other form of monetary compensation.

[3] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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Schedule 1 Amendment of Mining Act 1992 No 29

[4] Dictionary

Omit “uranium or” from the definition of *mineral*.

[5] Dictionary

Insert in alphabetical order:

uranium includes uranium minerals and uranium ores.

Schedule 2 Amendment of Mining Regulation 2010

[1] Schedule 1 Minerals

Insert in alphabetical order:

uranium

[2] Schedule 2 Groups of minerals

Omit “thorium” from Group 1.

[3] Schedule 2, Group 11

Insert after Group 10:

Group 11 (Uranium)

thorium

uranium

[4] Schedule 10 Fees

Omit “Groups 1–8 and 10 minerals” wherever occurring.

Insert instead “Groups 1–8, 10 and 11 minerals”.

[5] Schedule 12 Savings and transitional provisions

Insert after Part 2:

Part 3 Provisions consequent on enactment of Mining Legislation Amendment (Uranium Exploration) Act 2012

10 Definition

In this Part:

amending Act means the *Mining Legislation Amendment (Uranium Exploration) Act 2012*.

11 Changes to mineral groups

Despite the amendment made by Schedule 2 [2] to the amending Act, thorium is taken to continue to be a Group 1 mineral for the following purposes:

- (a) the determination of an application for, and the granting of, an exploration licence or a renewal of an exploration licence, if the application was made (but not determined) before the commencement of that amendment,

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Schedule 2 Amendment of Mining Regulation 2010

- (b) the operation of an exploration licence in respect of Group 1 minerals, and an application for the renewal of, and the renewal of, any such licence, if the original licence was granted before that commencement or granted as referred to in paragraph (a).

Schedule 3 Amendment of Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 No 194

[1] Section 3 Objects of Act

Omit “prospecting or” from section 3 (a).

[2] Section 4 Definitions

Omit the definition of *prospect*.

[3] Section 7 Mining for uranium prohibited

Omit “prospect or” from section 7 (1).

[4] Section 7 (2)

Omit the subsection. Insert instead:

- (2) An authority, mineral claim or opal prospecting licence under the *Mining Act 1992* (whether granted before or after the commencement of this subsection) does not authorise the holder of the authority, claim or licence to mine for uranium in contravention of this section.

Schedule 4 Amendment of Radiation Control Act 1990 No 13

Section 5

Omit the section. Insert instead:

5 Application of Act to radioactive ore being prospected for or mined or treated

This Act does not apply to a radioactive ore while it is the subject of an activity carried out at a place of work to which the *Mine Health and Safety Act 2004* applies.

Schedule 5 Amendment of Aboriginal Land Rights Act 1983 No 42

[1] Section 45 Mineral rights and mining on Aboriginal land

Insert after section 45 (1) (a):

- (b) *uranium* has the same meaning as it has in the *Mining Act 1992*.

[2] Section 45 (11)

Omit “the Crown’s ownership of coal and petroleum”.

Insert instead “the Crown’s ownership of coal, petroleum and uranium”.

[3] Section 45 (12) (a)

Omit “coal or petroleum”. Insert instead “coal, petroleum or uranium”.

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Schedule 6 Amendment of State Environmental Planning Policy (Mining, Petroleum
Production and Extractive Industries) 2007

**Schedule 6 Amendment of State Environmental
Planning Policy (Mining, Petroleum
Production and Extractive Industries)
2007**

Clause 3 Interpretation

Omit “uranium or” from the definition of *mineral* in clause 3 (2).