



New South Wales

Mining Amendment (Cyanide Leaching) Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Mining Act 1992* to prohibit the recovery of gold, silver or other metals by cyanide leaching of the ore.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Mining Act 1992* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts a new section 238A into the Act, which imposes on every exploration licence, assessment lease, mining lease and mineral claim a condition prohibiting the use of cyanide leaching for ore processing.

Schedule 1 [2] provides for the transitional application of the amendments made by the proposed Act. The prohibition on cyanide leaching does not apply to existing mining titles where the process is already permitted and in operation before 1 July 2004, but no mining title can be amended so as to authorise the use or increased use of the process.



New South Wales

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New South Wales

Mining Amendment (Cyanide Leaching) Bill 2004

No. , 2004

A Bill for

An Act to amend the *Mining Act 1992* so as to prohibit cyanide leach processing of ores; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Mining Amendment (Cyanide Leaching) Act 2004</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Amendment of Mining Act 1992 No 29	6
The <i>Mining Act 1992</i> is amended as set out in Schedule 1.	7

Schedule 1 Amendments

(Section 3)

[1] Section 238A

Insert after section 238:

238A Cyanide leaching

- (1) It is a condition of every authority or mineral claim that ore processing by cyanide leaching is prohibited.
- (2) The condition imposed by this section cannot be revoked, suspended or amended, either on renewal of the authority or mineral claim or otherwise.
- (3) Nothing in this section limits any power of the Minister or mining registrar to impose other conditions on an authority or mineral claim.
- (4) In this section:
 - cyanide* means hydrocyanic acid or any of its salts or derivatives.
 - cyanide leaching* means the process of dissolving metals or metal compounds in a cyanide solution.
 - ore processing* does not include the assessment or testing of samples under laboratory conditions.

[2] Schedule 6 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbers:

Provisions consequent on the enactment of the Mining Amendment (Cyanide Leaching) Act 2004

Effect on existing authorities and mineral claims

- (1) In this clause:
 - cyanide leaching* and *ore processing* have the same meaning as in section 238A.

- existing authority or mineral claim* means an authority or mineral claim in force immediately before the commencement of the *Mining Amendment (Cyanide Leaching) Act 2004*. 1
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- (2) Section 238A does not apply to an existing authority or mineral claim in respect of which ore processing by cyanide leaching had commenced before 1 July 2004. 5
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- (3) An existing authority or mineral claim cannot be amended so as to alter the area to which it relates or the conditions to which it is subject, if the effect of the amendment would be to authorise ore processing by cyanide leaching, or the increased use of that process, under the authority or claim. 8
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- (4) Nothing in this clause limits any power of the Minister or mining registrar to impose any condition on an existing authority or mineral claim. 13
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