



New South Wales

# Mining Amendment (Climate Protection—No New Coal Mines) Bill 2016

## Explanatory note

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

## Overview of Bill

The object of this Bill is to prohibit the grant of new authorisations to prospect for or mine coal under the *Mining Act 1992*.

## 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 to the proposed Act.

## Schedule 1 Amendment of Mining Act 1992 No 29

**Schedule 1** amends the *Mining Act 1992* to prohibit the grant of new authorisations to prospect for or mine coal. (Renewal of existing authorisations will continue to be possible.)

The amendment also provides that compensation is not payable by or on behalf of the State because of that prohibition.

The prohibition requires the refusal of an application or tender for an authorisation made but not finally determined before the commencement of the proposed Act.



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New South Wales

# Mining Amendment (Climate Protection—No New Coal Mines) Bill 2016

No. , 2016

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## A Bill for

An Act to amend the *Mining Act 1992* to prohibit the grant of new authorisations to prospect for or mine coal.

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

**1 Name of Act**

This Act is the *Mining Amendment (Climate Protection—No New Coal Mines) Act 2016*.

**2 Commencement**

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

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<b>Schedule 1</b>	<b>Amendment of Mining Act 1992 No 29</b>	1
<b>Section 10B</b>		2
Insert after section 10A:		3
<b>10B</b>	<b>Prohibition on grant of authorisations with respect to coal</b>	4
(1)	An authorisation may not be granted after the commencement of this section in respect of coal or any minerals that include coal.	5 6
(2)	Compensation is not payable by or on behalf of the State:	7
(a)	because of the enactment or operation of this section, or	8
(b)	because of any direct or indirect consequence of any such enactment or operation (including any conduct under the authority of any such enactment), or	9 10 11
(c)	because of any conduct relating to any such enactment or operation.	12
(3)	For the avoidance of doubt, this section requires the refusal of an application or tender for an authorisation made but not finally determined before the commencement of this section.	13 14 15
(4)	In this section:	16
	<i>compensation</i> includes damages or any other form of compensation.	17
	<i>conduct</i> includes any statement, or any act or omission:	18
(a)	whether unconscionable, negligent, false, misleading, deceptive or otherwise, and	19 20
(b)	whether constituting an offence, tort, breach of contract, breach of statute or otherwise.	21 22
	<i>statement</i> includes a representation of any kind, whether made orally or in writing.	23 24
	<i>the State</i> means the Crown within the meaning of the <i>Crown Proceedings Act 1988</i> or an officer, employee or agent of the Crown.	25 26