



New South Wales

Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023

Explanatory note

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

Overview of Bill

The objects of this Bill are to—

- (a) prohibit the granting of permits and licences for the purposes of undertaking or facilitating seabed petroleum exploration or recovery, and
- (b) prohibit the granting of licences permitting offshore exploration or mining activities, except licences for or in relation to the recovery of sand for the purpose of beach nourishment, and
- (c) prohibit development for the purposes of undertaking or facilitating sea bed petroleum exploration or recovery or seabed mineral exploration or recovery.

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.

Schedule 1 amends the *Petroleum (Offshore) Act 1982* to prohibit the granting of permits and licences for the purposes of undertaking or facilitating sea bed petroleum exploration or recovery.

Schedule 2 amends the *Offshore Minerals Act 1999* to prohibit the granting of licences under that Act, except licences for or in relation to the recovery of sand for the purpose of beach nourishment.

Schedule 3 amends the *Environmental Planning and Assessment Act 1979* to prohibit certain development for the purposes of undertaking or facilitating—

- (a) sea bed petroleum exploration or recovery, or
- (b) sea bed mineral exploration or recovery.



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Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Petroleum (Offshore) Act 1982*, and other legislation to prohibit the granting of development consent and the granting of permits and licences for the purposes of seabed petroleum exploration or recovery or development intended to facilitate seabed petroleum exploration or recovery.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Act 2023*.

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2 Commencement

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

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Schedule 1	Amendment of Petroleum (Offshore) Act 1982 No 23	1
		2
Section 103A		3
Insert after section 103—		4
103A	Minister must not grant certain permits or licences	5
(1)	The Minister must not, after the commencement of the <i>Environmental Planning and Assessment Act 1979</i> , section 10.17, grant—	6
		7
(a)	a permit under Division 2 for exploration in the coastal waters of the State, or	8
		9
(b)	a licence under Division 3 for the recovery of petroleum from the coastal waters of the State, or	10
		11
(c)	a pipeline licence under Division 4 for the construction, wholly or partly within the coastal waters of the State, of a pipeline to be used in connection with the recovery of petroleum.	12
		13
		14
(2)	In this section—	15
	<i>coastal waters of the State</i> has the same meaning as in the <i>Interpretation Act 1987</i> , section 58.	16
		17

Schedule 2 Amendment of Offshore Minerals Act 1999 No 42

Section 444A

Insert after section 444—

444A Minister must not grant further mineral licences, except sand for beach nourishment

- (1) The Minister must not, after the commencement of the *Environmental Planning and Assessment Act 1979*, section 10.17, grant a licence under this Act.
- (2) Subsection (1) does not apply in relation to a licence for or in relation to the recovery of sand for the purpose of beach nourishment.

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Schedule 3	Amendment of Environmental Planning and Assessment Act 1979 No 203	1
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Section 10.17		3
Insert after section 10.16—		4
10.17	Development for certain sea bed petroleum and mineral exploration and recovery prohibited	5
		6
(1)	Despite any provision of this or another law, a person must not carry out—	7
(a)	relevant development in the coastal waters of the State, or	8
(b)	development within the State for the purposes of—	9
(i)	maintenance, repair, provisioning or fuelling of vessels, aircraft or equipment used for relevant development, or	10
(ii)	handling, refining or processing petroleum or minerals obtained from relevant development, or	11
(iii)	unloading or transportation, including by pipeline, of petroleum or minerals obtained from relevant development.	12
		13
	Maximum penalty—Tier 1 monetary penalty.	14
		15
(2)	In this section—	16
	<i>coastal waters of the State</i> has the same meaning as in the <i>Interpretation Act 1987</i> , section 58.	17
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	<i>mineral</i> has the same meaning as in the <i>Offshore Minerals Act 1999</i> .	19
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	<i>offshore area of the State</i> means the offshore area of New South Wales within the meaning of the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> of the Commonwealth, section 8.	21
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	<i>petroleum</i> has the same meaning as in the <i>Petroleum (Offshore) Act 1982</i> .	24
		25
	<i>relevant development</i> means the following, whether occurring in the coastal waters of the State or the offshore area of the State—	26
(a)	sea bed petroleum exploration or recovery,	27
(b)	sea bed mineral exploration or recovery, except for the recovery of sand for the purpose of beach nourishment permitted under the <i>Offshore Minerals Act 1999</i> , section 444A(2).	28
		29
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	<i>vessel</i> has the same meaning as in the <i>Petroleum (Offshore) Act 1982</i> .	31