

Passed by both Houses



New South Wales

Petroleum (Onshore) Amendment (NSW Gas Plan) Bill 2014

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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,*

, 2014



New South Wales

Petroleum (Onshore) Amendment (NSW Gas Plan) Bill 2014

Act No , 2014

An Act to amend the *Petroleum (Onshore) Act 1991* to provide for certain pending applications for petroleum titles to be expunged.

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 *Petroleum (Onshore) Amendment (NSW Gas Plan) Act 2014*.

2 Commencement

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

Schedule 1 Amendment of Petroleum (Onshore) Act 1991 No 84

Schedule 2

Insert after Schedule 1:

Schedule 2 Expunged petroleum title applications

1 Application

This Schedule has effect despite any other provision of this Act.

2 Definitions

In this Schedule:

expunged application means an application for a petroleum title that is expunged by operation of this Schedule.

introduction date means the date of introduction into Parliament of the Bill for the *Petroleum (Onshore) Amendment (NSW Gas Plan) Act 2014*.

3 Applications for petroleum titles expunged

- (1) Each application for a petroleum title under this Act that is specified in the Table to this clause is expunged by operation of this clause with effect on and from the introduction date.
- (2) An expunged application is void and of no effect and is not to be dealt with any further under this Act.

Table

Column 1	Column 2	Column 3
Application Identifier	Application Number	Application Date
PELA	130	16 December 2009
PELA	135	31 March 2011
PELA	137	12 March 2012
PELA	144	28 November 2012
PELA	146	22 February 2013
PELA	147	22 February 2013
PELA	148	27 February 2013
PELA	150	11 November 2013
PELA	151	11 November 2013
PELA	152	11 November 2013
PSPAPP	48	15 December 2009
PSPAPP	54	21 November 2011
PSPAPP	56	22 February 2012
PSPAPP	57	22 February 2012
PSPAPP	62	21 June 2013
PSPAPP	63	6 December 2013

4 Refund of application fees for expunged applications

Any lodgment fee payable under section 12 in respect of an expunged application ceases to be payable and if already paid is to be refunded to the person by whom it was paid.

5 Compensation not payable

- (1) Compensation is not payable by or on behalf of the State:
 - (a) because of the enactment or operation of this Schedule, the *Petroleum (Onshore) Amendment (NSW Gas Plan) Act 2014* or any Act that amends this Schedule, or
 - (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
 - (c) because of any conduct relating to any such enactment or operation.
- (2) This clause extends to conduct and any other matter occurring before the commencement of this clause.
- (3) In this clause:

compensation includes damages or any other form of compensation.

conduct includes any statement, or any act or omission:

 - (a) whether unconscionable, negligent, false, misleading, deceptive or otherwise, and
 - (b) whether constituting an offence, tort, breach of contract, breach of statute or otherwise.

statement includes a representation of any kind, whether made orally or in writing.

the State means the Crown within the meaning of the *Crown Proceedings Act 1988* or an officer, employee or agent of the Crown.

6 Applicants of expunged applications to be given first opportunity to make new applications

- (1) The Minister must not take fresh title action in respect of any area for which an expunged application was made (a **relevant area**) unless:
 - (a) the Minister has first invited the applicant for the expunged application to make a new application for the petroleum title concerned, and
 - (b) the applicant has:
 - (i) informed the Minister that the applicant does not wish to make a new application, or
 - (ii) not made a new application within 28 days of being invited to do so, or
 - (iii) had the applicant's new application refused.

- (2) ***Fresh title action*** is:
- (a) inviting applications under section 8 for petroleum titles in respect of a relevant area, or
 - (b) granting a petroleum title in respect of a relevant area.