Mines and Energy Legislation Amendment Bill 2008

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Geoff Wilson MP

Title of the Bill

Mines and Energy Legislation Amendment Bill 2008 (the Bill).

Objectives of the Amendments

The objectives of the amendments are to remove proposed amendments to the *Mineral Resources Act 1989* (MRA) to:

- allow the Mining Registrar to reject or condition the grant of prospecting permits in the public interest;

- allow the Mining Registrar to cancel a prospecting permit if the registrar considers the cancellation is in the public interest;

- allow the Minister for Mines and Energy (the Minister) to reject or condition the grant of exploration permits in the public interest;

- allow the Minister to refuse to approve a program of work accompanying an application for the grant of an exploration permit if the Minister considers that the program is not in the public interest;

- allow the Minister to refuse to make a variation to conditions of an existing permit if the variation is not in the public interest; and

- allow the Minister to decide a condition of a renewed permit in the public interest.

The amendments also:

- remove provisions proposed to be inserted into the MRA to confirm that transitional provisions established under the MRA

applied to the renewal of leases initially provided for by special agreement acts;

- clarify that land contiguous to the oil shale moratorium area, may by regulation, be added to the moratorium area; and

- limit a proposed new division concerning rental payments for mining leases under special agreement acts to dealing with the due date for rental payments.

Consistency with Fundamental Legislative Principles

The proposed amendments comply with Fundamental Legislative Principles.

Consultation

The Premier has been consulted on the proposed amendments.

Notes on Provisions

Amendment 1 amends clause 21, 22 and 23 to omit proposed amendments to the *Mineral Resources Act 1989* (MRA) that would allow:

- a prospecting permit to be refused in the public interest;

- a Mining Registrar to condition a prospecting permit in the public interest; and

- the cancellation of a prospecting permit in the public interest.

Amendment 2 amends clause 32 to omit the proposed amendment to the MRA that would allow the Minister to refuse to grant an exploration permit in the public interest.

Amendment 3 amends clause 32 to omit the proposed amendment to the MRA that would allow the Minister to refuse to approve a program of work accompanying an application for the grant of an exploration permit if the Minister considers that the program is not in the public interest.

Amendment 4 amends clause 34 to omit the proposed amendment to the MRA that would allow the Minister to determine a condition of an exploration permit in the public interest. Amendment 4 also renumbers clause 34.

Amendment 5 amends clause 35 to omit the proposed amendment to the MRA that would allow the Minister to refuse to make a variation to conditions of an existing exploration permit if the variation is not in the public interest. Amendment 5 also renumbers clause 35.

Amendment 6 amends clause 37 to omit the proposed amendment to the MRA that would allow the Minister to decide a condition of a renewed exploration permit in the public interest.

Amendments 7 and 8 amend clause 71 to make clear that land contiguous to the oil shale moratorium area, may by regulation, be added to the moratorium area.

Amendments 9 and 10 omit clauses 75 and 76 to allow further legal clarification of the application of transitional provisions of the MRA to mining leases established under special agreement acts.

Amendment 11 amends clause 77 to make clear that mining leases administered under special agreement Acts are subject to rental due date provisions of the MRA. The amendment also clarifies that the amount of rental for leases under special agreement is prescribed by the relevant special agreement act until the date of renewal, and after renewal is prescribed by the MRA.