



The Hon Chris Hartcher

Minister for Resources and Energy

Special Minister of State

Minister for the Central Coast

MEDIA RELEASE

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PROTECTING INTEGRITY OF MINING TITLES REGIME IN NSW

The NSW Government has moved to protect the integrity of the mining titles regime in NSW as a result of current Court proceedings.

Resources Minister Chris Hartcher today gave Notice of Motion of the Mining (Development Consent) Amendment Bill 2013 which introduces important changes to provide clarity and certainty to titleholders and the mining industry.

Mr Hartcher said the need for the Bill relates to challenges against existing mining leases which, if successful, could cast doubt on most or all 994 mining leases across the State.

“The Bill amends the provisions of the *Mining Act 1992* relating to the need for development consent before a mining lease is granted,” he said.

“The Act provides for two types of mining leases – a mining lease for minerals and a mining lease for mining purposes.

“In order for a mining lease to be granted under the terms of the Act, ‘appropriate development consent’ under the *Environmental Planning and Assessment Act 1979* must be in place.

“Although the Act makes clear that a mining lease for minerals permits the carrying out of mining purposes, it is not explicit what constitutes ‘appropriate development consent’ for a mining lease for minerals.

“This issue has been raised in court proceedings and these court proceedings have the potential to bring in to question a large number of mining titles and create sovereign risk issues for the State.

“The Bill ensures that a development consent which only approves mining purposes can be an ‘appropriate development consent’ for the grant of a mining lease for minerals and will apply to previous, existing and future titles.

“Mining in NSW makes a major contribution to the State’s economy bringing in new investment, boosting regional development and job creation, as well as creating export opportunities.

“The Bill will benefit the State of NSW by ensuring the titles framework in the Act is preserved in its current form. It will allow for business as usual – a vigorous, healthy, active mining industry underpinned by a strong titles framework.”