

# Resources Industry Legislation Amendment Act 2009

No. 6 of 2009

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Victoria

# Resources Industry Legislation Amendment Act 2009<sup>†</sup>

No. 6 of 2009

[Assented to 3 March 2009]

The Parliament of Victoria enacts:

## PART 1—PRELIMINARY

### 1 Purpose

The purpose of this Act is to—

- (a) amend the **Mineral Resources (Sustainable Development) Act 1990** to provide for the regulation of extractive industries; and
- (b) repeal the **Extractive Industries Development Act 1995**; and

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(c) make consequential amendments to other Acts.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.
- (2) If this Act does not come into operation before 1 January 2010, it comes into operation on that day.

## 3 Principal Act

In this Act, the **Mineral Resources (Sustainable Development) Act 1990** is called the Principal Act.

See:  
Act No.  
92/1990.  
Reprint No. 7  
as at  
9 February  
2007  
and  
amending  
Act Nos  
16/2006,  
63/2006,  
25/2008 and  
54/2008.  
LawToday:  
www.  
legislation.  
vic.gov.au

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**PART 2—MINERAL RESOURCES (SUSTAINABLE  
DEVELOPMENT) ACT 1990**

**4 Substitution of section 1**

For section 1 of the Principal Act **substitute—**

**"1 Purpose**

The purpose of this Act is to encourage economically viable mining and extractive industries which make the best use of resources in a way that is compatible with the economic, social and environmental objectives of the State."

**5 Objectives**

(1) In section 2(1)(b) of the Principal Act—

(a) for subparagraph (i) **substitute—**

"(i) mineral and stone resources are developed in ways that minimise adverse impacts on the environment and the community; and";

(b) for subparagraph (iii) **substitute—**

"(iii) land which has been mined or from which stone has been extracted or removed is rehabilitated; and"

(c) in subparagraph (iv) after "private land" **insert** "for exploration or mining".

(2) In section 2(1)(c) of the Principal Act—

(a) after "mining" **insert** "or extraction";

(b) after "mineral resources" **insert** "and stone".

(3) Section 2(2) of the Principal Act is **repealed**.

## 6 Definitions

(1) In section 4(1) of the Principal Act **insert** the following definitions—

**"Chief Inspector** means the Chief Inspector employed under section 90(1)(a);

**extractive industry** means the extraction or removal of stone from land if a primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works and includes—

- (a) the treatment of stone or the manufacture of bricks, tiles, pottery or cement products on or adjacent to land from which the stone is extracted; and
- (b) any place, operation or class of operation involving the extraction or removal of stone from land, declared by the Minister, by notice published in the Government Gazette, to be an extractive industry for the purposes of this Act;

**extractive industry work authority** means a work authority relating to an extractive industry granted under section 77I;

**planning permit** means a planning permit issued under the **Planning and Environment Act 1987**;

**planning scheme** means a planning scheme made under the **Planning and Environment Act 1987**;

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*quarry* means—

- (a) a pit or excavation made in land below the natural surface for the purpose of extracting or removing stone if a primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works; or
- (b) any place or operation involving the removal of stone from land, declared by the Minister by notice published in the Government Gazette to be a quarry—

and includes access ways on private land and the works, machinery, plant, equipment, buildings and structures above or below ground used for or in connection with—

- (c) making, enlarging or deepening the pit or excavation; or
- (d) carrying on the operation; or
- (e) the extraction or removal of stone from the pit or excavation; or
- (f) the treatment on or adjacent to the land in which the pit or excavation is made of stone extracted or removed from the land or the manufacture on or adjacent to that land of bricks, tiles, pottery or cement products substantially from stone so extracted or removed;

*responsible authority* in relation to a planning scheme has the same meaning as in the **Planning and Environment Act 1987**;

- (2) In section 4(1) of the Principal Act—
- (a) in the definition of *community engagement plan*, for "section 40(3)(b)(ii)" substitute "sections 40(3)(b)(ii) and 77G(3)(c)";
  - (b) for the definition of *inspector substitute*—  
"*inspector* means an inspector employed under section 90(1)(b)";
  - (c) for the definition of *plant substitute*—  
"*plant* means buildings, structures, works or other machinery (whether fixed or mobile) and all other installations or equipment used in the doing of work under a licence or an extractive industry work authority";
  - (d) for the definition of *work plan substitute*—  
"*work plan* means a work plan lodged under section 40 or section 77G";
  - (e) in the definition of *worksite*, after "licence," insert "an extractive industry work authority,".
- (3) In section 4(1) of the Principal Act, the following definitions are **repealed**—
- (a) *Director of Mines*;
  - (b) *infringement*;
  - (c) *mining infringement*.
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**7 Interaction of this Act with native title legislation**

For section 5A(3)(a) of the Principal Act  
**substitute—**

"(a) the granting of a licence under Part 2, permit, right or an authority under Part 5;"

**8 New sections 5AA and 5AB inserted**

After section 5 of the Principal Act **insert—**

**"5AA Application of this Act**

- (1) The provisions of this Act do not apply to or with respect to any extractive industry exempted by notice published in the Government Gazette by the Minister from compliance with any of those provisions of this Act relating to extractive industries whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.
  - (2) Despite any contrary provision in any other Act administered by the Minister administering the **Conservation, Forests and Lands Act 1987** if there is provision under any of those Acts to issue or grant a lease, licence, permit or authority allowing for the search for stone or the carrying out of an extractive industry, a person is not required to obtain such a lease, licence, permit or authority if the person has complied with the provisions of this Act relating to extractive industries with respect to the searching for stone or the carrying out of the extractive industry.
  - (3) Subsection (1) does not affect any lease, licence, permit or authority issued or granted under an Act administered by the Minister referred to in subsection (2).
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- (4) The provisions of this Act relating to extractive industries do not apply to or with respect to the extraction or removal of stone from land that is a farm if the stone is intended in good faith only to be used on that farm for the purposes of a dam or other farm works and not for sale or any other commercial use.
- (5) The provisions of this Act relating to extractive industries do not apply to or with respect to the carrying out of any *extractive activity* within the meaning of the **Catchment and Land Protection Act 1994**.

**5AB Application of this Act to Alcoa land**

- (1) For the purposes of the provisions of this Act relating to extractive industries, land in the leased area within the meaning of the definition of *leased area* in the agreement set out in the Schedule to the **Mines (Aluminium Agreement) Act 1961** is deemed to be private land of which Alcoa of Australia Proprietary Limited ACN 004 879 298 is the owner for any purpose other than the determination and payment of royalties to the Crown.
- (2) The Minister must not grant an extractive industry work authority over any part of the leased area referred to in subsection (1) without the consent of the Minister administering the **Conservation, Forests and Lands Act 1987**."

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**9 New section 6AA inserted**

After section 6 of the Principal Act **insert—**

**"6AA Land not available for searching for stone**

The Crown land Minister must not give consent under section 77A to search for stone on the following land—

- (a) land that is a reference area under the **Reference Areas Act 1978**;
- (b) except as provided for in section 40 of the **National Parks Act 1975**, land that is a national park, wilderness park, State park, marine national park or marine sanctuary under the **National Parks Act 1975**;
- (c) land in respect of which an ongoing protection declaration is in force under the **Aboriginal Heritage Act 2006**."

**10 Offence to search for minerals or do work without authority**

In section 8(3) of the Principal Act, for "under the **Extractive Industries Development Act 1995**" substitute "relating to an extractive industry".

**11 New sections 8AA and 8AB inserted**

After section 8 of the Principal Act **insert—**

**"8AA Offence to search for stone without owner's consent**

A person must not search for stone or carry out any survey or other operation for the purpose of searching for stone—

- (a) on Crown land without consent under section 77A and any consent required under section 77B(1); or

- (b) on any private land without—
- (i) the consent of the owner of the land and any consent required under section 77B(1), if the person whose consent is required under section 77B(1) is not the owner; or
  - (ii) the authority of the Minister under section 77C and any consent required under section 77B(1).

Penalty: 50 penalty units.

**8AB Offence to carry on extractive industry without authority**

- (1) A person must not carry out an extractive industry on any land without a current extractive industry work authority to carry out that extractive industry on that land.

Penalty: 200 penalty units.

- (2) Subject to subsection (3), the holder of an extractive industry work authority and the manager of the place where the extractive industry is being carried out under the work authority must comply with the work authority in carrying out the extractive industry.

Penalty: 20 penalty units.

- (3) The holder of an extractive industry work authority and the manager of the place where the extractive industry is being carried out under the work authority must comply with the conditions of the work authority relating to the safety of workers or the public.

Penalty: 100 penalty units."

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**12 New section 11A inserted**

After section 11 of the Principal Act **insert—**

**"11A Ownership of stone**

- (1) All stone which is on or below the surface of any private land, despite any reservation in the Crown grant or in any Crown lease of the land, is not the property of the Crown but is the property of the owner of the land.
- (2) A person who—
  - (a) holds an extractive industry work authority; or
  - (b) applies for an extractive industry work authority—in respect of any stratum of private land immediately below which there is unalienated Crown land and who proposes to carry out an extractive industry on that unalienated Crown land is to be regarded as the owner of that Crown land for the purpose of obtaining a work authority for the carrying out of that extractive industry.
- (3) Despite subsection (2), the stone in any Crown land to which that subsection applies remains the property of the Crown and that person must pay royalties for the stone extracted or removed from the land and the extractive industry work authority may provide for the determination and payment of royalties accordingly."

### 13 Royalties

After section 12(2) of the Principal Act **insert**—

- "(3) The holder of an extractive industry work authority to be carried out on Crown land must pay royalties in accordance with the rate or method of assessment and at the times—
- (a) specified in the work authority; or
  - (b) prescribed, if not specified in the work authority—
- unless the Minister decides to waive or vary the royalties under subsection (4).
- (4) The Minister may waive the requirement for any holder of an extractive industry work authority to pay royalties or vary the rate, method of assessment or times at which the royalty is to be paid by any holder of an extractive industry work authority if the Minister is satisfied that a royalty is being paid to the Crown or in any other circumstances in which the Minister is satisfied that it is appropriate that there should be such a waiver or variation."

### 14 Cancellation of licence

In section 38(1B)(b) of the Principal Act, for "Director of Mines" **substitute** "Chief Inspector".

### 15 Commencement of work under mining licence

In section 42(2)(b)(i) of the Principal Act, for "Director of Mines" **substitute** "Chief Inspector".

### 16 Commencement of work under exploration licence

In section 43(1)(d)(i) of the Principal Act, for "Director of Mines" **substitute** "Chief Inspector".

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**17 Management of worksites**

- (1) Sections 47A(2) and 47A(3) of the Principal Act are **repealed**.
- (2) In section 47A(5) of the Principal Act, for "If the licensee is a competent person, he or she" **substitute** "The licensee".

**18 Appointment of advisory panels**

In section 54A of the Principal Act, after "mining," **insert** "extractive industries,".

**19 Commencing activity in a tourist mine**

In section 67(a) of the Principal Act, for "Director of Mines" **substitute** "Chief Inspector".

**20 Heading to Part 7 and section 77A substituted**

For the heading to Part 7 and section 77A of the Principal Act **substitute**—

**"PART 6A—EXTRACTIVE INDUSTRIES—  
WORK AUTHORITIES AND OTHER MATTERS**

**Division 1—Consent to search for stone**

**77A Consent to search for stone on Crown land**

- (1) A person may apply to the Crown land Minister for an area of Crown land for consent to search for stone on that Crown land.
- (2) The Crown land Minister must, within 14 days after receiving an application for consent, give notice of the application to—
  - (a) any person or body nominated by the Minister administering the **Aboriginal Heritage Act 2006**; and

- (b) any registered Aboriginal party (within the meaning of the **Aboriginal Heritage Act 2006**) for an area to which the application relates.
  - (3) The Crown land Minister must have regard to any comments or submissions of a person or body nominated for the purposes of subsection (2) in considering an application for consent.
  - (4) The Crown land Minister may, by instrument—
    - (a) consent to search for stone on the Crown land; or
    - (b) consent to search for stone on the Crown land subject to conditions; or
    - (c) refuse to consent to search for stone on the Crown land.
  - (5) The Crown land Minister must not unreasonably withhold consent.
  - (6) The Crown land Minister must consent or refuse to consent to an application within 60 days after receiving the application or within any further period that the Minister requires to determine the application including the consideration of comments or submissions from a person or body nominated for the purposes of subsection (2).
  - (7) If the Crown land Minister refuses to consent under subsection (4)(c), he or she must, within 7 days after the decision to refuse, give the person proposing to carry out the search a statement in writing of the reasons for the decision.
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- (8) A person may apply to the Tribunal for review of a decision by the Crown land Minister—
- (a) to refuse to consent under subsection (4)(c); or
  - (b) to consent subject to conditions under subsection (4)(b).

**77B Special requirements for particular land**

- (1) A person who proposes to carry out any search for stone on land that is owned by, vested in or managed or controlled by an Authority under the **Water Act 1989** or a licensee within the meaning of the **Water Industry Act 1994** must obtain the consent of that Authority or licensee.
- (2) A person who proposes to carry out any search for stone on land on which there is a public highway, road or street must give 21 days notice of the proposed search to the person or body having the care or management of the public highway, road or street.
- (3) A person must not do work at a depth of more than 0.75 metres below any land that is within 100 metres of—
  - (a) a waterway that is owned by, vested in or managed or controlled by an Authority under the **Water Act 1989** or a licensee within the meaning of the **Water Industry Act 1994**; or

- (b) any main drains, sewers, aqueducts, channels or pipelines of that Authority or licensee—  
  
unless the person has first consulted with the Authority or licensee and does so in compliance with any conditions specified by the Authority or licensee.
  - (4) The Authority or licensee may, by instrument—
    - (a) consent to search for stone on the land referred to in subsection (1); or
    - (b) consent to search for stone on the land referred to in subsection (1) subject to conditions; or
    - (c) refuse to consent to search for stone on the land referred to in subsection (1).
  - (5) The Authority or licensee must not unreasonably withhold consent.
  - (6) If the Authority or licensee does not, within 60 days after the consent under subsection (1) being sought, consent or refuse to consent, that consent is deemed to have been granted.
  - (7) If the Authority or licensee refuses to consent under subsection (1) the Authority or licensee must, within 7 days after the decision to refuse, give the person proposing to carry out the search a statement in writing of the reasons for the decision.
  - (8) A person may apply to the Tribunal for review of a decision—
    - (a) by the Authority or licensee to refuse to consent under subsection (4)(a); or
-

- (b) by the Authority or licensee to consent subject to conditions under subsection (4)(b); or
- (c) by the Authority or licensee to specify any conditions for that person to do work at a depth of more than 0.75 metres below any land under subsection (3).

**77C Authority to search for stone for Department**

- (1) The Minister may authorise any person to enter upon and occupy any private land for the purpose of the carrying on by the Department of any survey or search for stone and do anything that may be necessary for the purpose of the survey or search.
- (2) Any person authorised in writing by the Minister in accordance with this section and any person assisting that person or acting under the orders of that person may enter and occupy private land and do anything mentioned in subsection (1) which is authorised by the Minister.
- (3) An authority under this section must be in writing.

**77D Form and content of consent**

- (1) A consent granted under section 77A—
  - (a) must describe the land in respect of which the consent is granted; and
  - (b) must specify the stone in respect of which it is granted; and
  - (c) is subject to any conditions, limitations and restrictions that are prescribed; and

- (d) is subject to any conditions, limitations or restrictions that the Crown land Minister thinks fit to impose.
- (2) A consent granted under section 77A remains in force, unless sooner cancelled or suspended, for a period of 2 years from the date the consent was granted.

**77E Effect of consent under section 77A**

- (1) The holder of a consent under section 77A is, during the currency of the consent, entitled to carry out any surveys or other operations that are authorised by the consent for the purpose of searching for the stone specified in the consent on the land in respect of which the consent is granted.
- (2) In carrying out any of those surveys or operations the holder of a consent under section 77A must proceed in an expeditious manner without causing unnecessary damage and without interfering with the existing use of the land to a greater extent than is necessary.

**77F Power of Minister to cancel or suspend consent etc.**

- (1) The Crown land Minister may at any time—
- (a) cancel or suspend a consent under section 77A if the holder of the consent has contravened any provision of this Act or any condition, limitation or restriction to which the consent is subject; or

- (b) withdraw, from the operation of a consent granted under section 77A, any land which is required for any public purpose and cancel the part of the consent that relates to the land withdrawn; or
  - (c) at the request of the holder of the consent, cancel the consent either wholly or in part.
- (2) The holder of a consent under section 77A may apply to the Tribunal for review of a decision of the Crown land Minister to cancel or suspend the consent under subsection (1)(a) or cancel part of the consent under subsection (1)(b).

## **Division 2—Work Plans and Extractive Industry Work Authorities**

### **77G Work plan**

- (1) A person who proposes to apply for an extractive industry work authority to carry out an extractive industry must lodge a work plan with the Department Head.
- (2) Subsection (1) does not apply to a person who proposes to apply for an extractive industry work authority to carry out an extractive industry—
  - (a) on land that has an area of less than 5 hectares and a depth of less than 5 metres; and
  - (b) that does not require blasting or the clearing of native vegetation—unless the Minister declares, in writing, that the applicant must lodge a work plan.

- (3) A work plan must—
- (a) contain the prescribed information; and
  - (b) include a rehabilitation plan for the land proposed to be covered by the work authority; and
  - (c) in relation to extractive industry activities proposed to be carried out under the work authority, include a plan for consulting with the community prepared in accordance with the regulations and any guidelines issued by the Minister relating to such plans (a *community engagement plan*).
- (4) The Department Head must, within 1 month after the work plan is lodged—
- (a) approve the work plan with or without conditions; or
  - (b) require the changes to the rehabilitation plan or the work plan specified in a notice to the person lodging the plan to be made before the plan will be approved; or
  - (c) refuse to approve the work plan—
- and notify the person who lodged the plan.

**77H Variation of work plan**

- (1) On application by the holder of an extractive industry work authority under subsection (3) for variation of the work plan relating to that authority, the Department Head may, by instrument served on the holder of an extractive industry work authority, approve the variation.

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- (2) The Department Head may direct the holder of an extractive industry work authority to submit an application for approval of—
- (a) a variation of a work plan;
  - (b) a variation or revocation of any condition imposed on the approval of a work plan;
  - (c) the imposition of new conditions on the approval of a work plan.
- (3) The holder of an extractive industry work authority who—
- (a) proposes to vary an approved work plan; or
  - (b) is directed by the Department Head under subsection (2) to submit an application—
- must lodge an application for approval of the proposed variation with the Department Head.
- (4) An application for approval of a variation must contain the prescribed information.
- (5) The Department Head must, within 1 month after the application for approval of a variation is lodged—
- (a) approve the variation with or without conditions; or
  - (b) require the changes specified in a notice to the holder of the work authority to be made before the variation will be approved; or
  - (c) refuse to approve the variation—
- and notify the holder of the work authority.
-

- (6) The Department Head must not approve a variation of a work plan unless he or she has consulted the municipal council in whose municipal district the land is situated.
- (7) Once the Department Head has decided to approve a variation the approved work plan for the work authority is the work plan as amended by that variation.
- (8) If an application to vary the work plan consists solely of the inclusion of a community engagement plan in the work plan the Department Head must give the holder of the work authority a written notice approving, or refusing to approve, or asking for changes to, the variation of a work plan within 30 days of receiving the application.

**77I Extractive industry work authorities**

- (1) A person who proposes to carry out an extractive industry may apply to the Minister for an authority to carry out the extractive industry.
- (2) The Minister may grant or refuse to grant an authority to a person (who has applied for the authority) to carry out the extractive industry specified in the authority on the land specified in the authority.
- (3) The Minister must not grant an authority under subsection (2) unless he or she is satisfied that the applicant has—
  - (a) when required under section 77G, a work plan approved under that section; and
  - (b) entered into a rehabilitation bond under section 80; and

- (c) complied with any relevant planning scheme and obtained any necessary planning permit under that planning scheme; and
  - (d) obtained all necessary consents and other authorities required by or under this or any other Act; and
  - (e) in the case of Crown land, obtained the consent of the Crown land Minister—  
and that the proposed extractive industry will, if carried out in accordance with the extractive industry work authority, comply with any relevant planning scheme.
- (4) The Crown land Minister may consent to the carrying out of an extractive industry on Crown land—
- (a) for an unlimited period or for a specified period; and
  - (b) unconditionally or subject to any specified conditions.
- (5) An extractive industry work authority must describe the land in respect of which the work authority is granted.
- (6) The grant of an extractive industry work authority under this section does not confer a right on the holder of the authority to enter any land without the consent of the owner of the land.

**77J Conditions of extractive industry work authorities**

- (1) The Minister may impose conditions to which an extractive industry work authority is to be subject, including but not limited to conditions about—

- (a) the rehabilitation of the land to a safe, stable and visually acceptable condition;
  - (b) the time when rehabilitation work must be commenced or completed;
  - (c) the protection of the environment;
  - (d) the protection of the amenity of the area;
  - (e) the protection of groundwater;
  - (f) ensuring the safety of workers and the public;
  - (g) the payment of royalties;
  - (h) the payment of fees (if any) prescribed in the regulations.
- (2) If, by the operation of section 77G(2), a person carrying out an extractive industry is not required to have a work plan, the Minister may impose a condition requiring compliance with a Code of Practice on the extractive industry work authority for that extractive industry operation.

**77K Extractive industry work authority holder's duty to consult with community**

The holder of an extractive industry work authority has a duty to consult with the community throughout the period of the work authority by—

- (a) sharing with the community information about any activities authorised by the work authority that may affect the community; and
  - (b) giving members of the community a reasonable opportunity to express their views about those activities.
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**77L Period of extractive industry work authority**

An extractive industry work authority remains in force for the period for which the carrying out of an extractive industry is permitted on the land under the relevant planning scheme or a planning permit unless—

- (a) the work authority is sooner cancelled; or
- (b) in the case of Crown land, the Crown land Minister's consent is revoked, lapses or otherwise ceases to have effect; or
- (c) it is varied under section 77M.

**77M Variation of an extractive industry work authority**

- (1) The Minister may, by instrument served on the holder of the extractive industry work authority, vary the work authority, or vary, suspend or revoke a condition of the extractive industry work authority or add a new condition.
- (2) The Minister may act under subsection (1)—
  - (a) at the request of the holder of the work authority; or
  - (b) if the Minister decides it is necessary for the protection of the environment or the rehabilitation or stabilisation of the land to which the extractive industry work authority applies; or
  - (c) if the Minister decides it is necessary for ensuring the safety of workers or the public.

- (3) The Minister must not act under subsection (1) unless he or she has consulted with the holder of the extractive industry work authority and the municipal council in whose municipal district the land is situated.

**77N Transfer of an extractive industry work authority**

- (1) The holder of an extractive industry work authority may, with the consent in writing of the Minister, transfer that work authority to another person.
- (2) The Minister must consent to the transfer of an extractive industry work authority if—
- (a) the person to whom the extractive industry work authority is to be transferred has entered into a rehabilitation bond for an amount determined by the Minister; and
  - (b) the Minister is satisfied that the work plan relating to the extractive industry work authority is adequate.
- (3) If the Minister is not satisfied that the work plan relating to the extractive industry work authority is adequate, the Minister may consent to the transfer of the extractive industry work authority subject to the person to whom the extractive industry work authority is to be transferred being required to submit a new work plan for approval by the Department Head within the time specified by the Minister.

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**77O Cancellation of an extractive industry work authority**

- (1) The Minister may cancel an extractive industry work authority by instrument served on the holder of the work authority if at the end of 28 days the Minister is satisfied that the holder—
  - (a) has not substantially complied with—
    - (i) this Act or the regulations; or
    - (ii) any condition to which the authority is subject; or
    - (iii) a condition of a work plan under section 77G; or
    - (iv) a condition on the approval of a variation of a work plan under section 77H; or
    - (v) any relevant planning scheme or planning permit; or
  - (b) has endangered an employee or a member of the public on or near land to which the extractive industry work authority applies; or
  - (c) has undertaken work on the land other than in accordance with the work plan.
- (2) Before cancelling an extractive industry work authority under subsection (1), the Minister must give the holder of the work authority 28 days written notice of his or her intention to cancel and, in the notice, request the holder to provide reasons why the work authority should not be cancelled.

**77P Review of certain decisions about work plans and extractive industry authorities**

- (1) The holder of an extractive industry work authority may apply to the Tribunal for review of—
    - (a) a decision of the Department Head under section 77G(4)(a) to approve a work plan relating to that authority with conditions; or
    - (b) a decision of the Department Head under section 77H(5) to approve the variation of a work plan relating to that authority with conditions; or
    - (c) a decision of the Minister to impose a condition on the extractive industry work authority under section 77J; or
    - (d) a decision of the Minister to vary a condition of the extractive industry work authority under section 77M or impose a new condition under that section; or
    - (e) a decision of the Minister under section 77N to impose a new condition on the extractive industry work authority that the Minister has consented to be transferred to another person under that section.
  - (2) The former holder of an extractive industry work authority may apply to the Tribunal for review of a decision of the Minister to cancel the work authority under section 77O.
  - (3) Subsection (1) does not apply to a condition that has been imposed on an approval of a work plan or of a variation to a work plan if—
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- (a) the condition is substantially the same as a condition of the relevant planning scheme or a planning permit for the carrying out of the extractive industry; or
- (b) a decision to impose the condition has already been the subject of review by the Tribunal.

### **Division 3—Managers**

#### **77Q Manager must be appointed**

- (1) The holder of an extractive industry work authority must not carry out any extractive industry unless the holder has appointed a quarry manager or a person to manage the extractive industry operation.  
Penalty: 50 penalty units.
- (2) A person must not operate a quarry unless the person has appointed a quarry manager to manage the quarry.  
Penalty: 50 penalty units.
- (3) The holder of an extractive industry work authority or the operator of a quarry may appoint himself or herself to be the quarry manager or person to manage the extractive industry operation.

### **Division 4—Planning requirements**

#### **77R Powers to amend planning scheme**

- (1) In addition to any other power to prepare, adopt or approve amendments to planning schemes, the Minister administering the **Planning and Environment Act 1987** may

- prepare, adopt and approve amendments to any planning scheme to—
- (a) set out policies relating to extractive industries; or
  - (b) enable the carrying out of an extractive industry on land with a planning permit; or
  - (c) specify the Minister administering this Act or any other person or body as a referral authority for any application for a planning permit to carry out an extractive industry.
- (2) The **Planning and Environment Act 1987** (except section 12(2), Divisions 1 and 2 of Part 3 and section 39(1) to (5) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under subsection (1).
- (3) Section 39(7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under subsection (1) as if before "Division 1" there were inserted "section 12(1) or".
- (4) Section 39(8) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under subsection (1) as if—
- (a) the expression "Except for an application under this section," were omitted; and
  - (b) before "Division 1" there were inserted "section 12(1) or".
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- (5) Nothing in this section prevents either House of Parliament exercising its power under section 38 of the **Planning and Environment Act 1987**.

**77S Land subject to a licence under Part 2**

- (1) A person who applies to a responsible authority for a permit under the **Planning and Environment Act 1987** to carry out an extractive industry in respect of land which is the subject of a licence under Part 2 must—
- (a) lodge a copy of the application with the Department Head; and
  - (b) send a copy of the application to any holder of an exploration or mining licence under Part 2 relating to the land or any part of the land to which the application applies; and
  - (c) send a notice to any holder of an exploration or mining licence referred to in paragraph (b) seeking consent to the carrying out of the extractive industry—
- on the same day that the applicant lodges the application with the responsible authority.
- (2) The applicant for an extractive industry work authority over land in respect of which there is a licence under Part 2 must forward to the Minister—
- (a) a copy of any consent to the granting of an extractive industry work authority that the licensee has given to the applicant; and

- (b) if the licence is an exploration licence, and the licensee is withholding consent to the granting of an extractive industry work authority, evidence that the applicant has given the licensee a copy of the application under subsection (1)(b) and a notice seeking consent under subsection (1)(c).
- (3) If land that is the subject of an application for an extractive industry work authority is also the subject of an exploration or mining licence under Part 2, the Minister must not grant an extractive industry work authority over the land unless—
  - (a) the Minister is satisfied that the licensee has consented to the granting of an extractive industry work authority; or
  - (b) if the licence is an exploration licence and the licensee is withholding consent, the Minister is satisfied that the licensee is unreasonably withholding consent.

#### **77T Environment Effects Statement**

If under a planning scheme a permit is required to be obtained for carrying out an extractive industry on the land covered by an extractive industry work authority in accordance with that work authority, the holder of the work authority is not required to obtain a permit if—

- (a) an Environment Effects Statement has been prepared under the **Environment Effects Act 1978** on the work proposed to be done under the work authority; and

- (b) an assessment of that Statement by the Minister administering the **Environment Effects Act 1978** has been submitted to the Minister; and
- (c) the work authority was granted by the Minister following the Minister's consideration of that assessment.

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## PART 7—REHABILITATION

### 77U Definitions

In this Part—

**auditor** means an environmental auditor appointed under section 53S of the **Environment Protection Act 1970**;

**authority** means—

- (a) an exploration licence under Part 2; or
- (b) a mining licence under Part 2; or
- (b) an extractive industry work authority;

**authority holder** means the holder of an authority."

### 21 New section 78A inserted

After section 78 of the Principal Act **insert**—

#### **"78A Holder of extractive industry work authority must rehabilitate land**

- (1) The holder of an extractive industry work authority must rehabilitate land in accordance with the rehabilitation plan approved by the Department Head.

- (2) The holder of an extractive industry work authority must rehabilitate land in accordance with the conditions in the authority."

## 22 Rehabilitation plan

- (1) In section 79(a)(iv) of the Principal Act, after "mining licence" **insert** "or extractive industry work authority".
- (2) For section 79(b) of the Principal Act **substitute**—
- "(b) be prepared by—
- (i) the applicant for the extractive industry work authority after consultation with the owner of the land, if the land is private land; or
  - (ii) the licensee after consultation with the owner of the land, if the land is private land and the licence is a mining licence."

## 23 Rehabilitation liability assessment

- (1) In section 79A(1) of the Principal Act—
- (a) for "a licensee" **substitute** "an authority holder";
  - (b) for "the licensee's" **substitute** "the authority holder's";
  - (c) for "the licensee" **substitute** "the authority holder".
- (2) In section 79A(2)(b) of the Principal Act, after "section 78" **insert** "or 78A (as the case may be)".
- (3) In section 79A(3) of the Principal Act, for "a licensee" **substitute** "an authority holder".
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## 24 Rehabilitation bond

- (1) In section 80(1) of the Principal Act, after "A licensee" **insert** "or an applicant for an extractive industry work authority".
- (2) After section 80(2) of the Principal Act **insert**—
  - "(2A) If the land that is proposed to be covered by an extractive industry work authority is private land, the Minister must, before determining the amount of a rehabilitation bond, consult with the council in whose municipal district the land is situated."
- (3) In section 80(3) of the Principal Act—
  - (a) for "the licensee" **substitute** "the authority holder";
  - (b) after "section 78" **insert** "or 78A".
- (4) In section 80(4) of the Principal Act—
  - (a) for "a licensee" **substitute** "an authority holder";
  - (b) for "the licensee" (where twice occurring) **substitute** "the authority holder".
- (5) In section 80(5) of the Principal Act, for "the licensee" (wherever occurring) **substitute** "the authority holder".
- (6) In section 80(6) of the Principal Act, for "the licensee" **substitute** "the authority holder".

## 25 Rehabilitation

- (1) In section 81 of the Principal Act—
  - (a) in subsection (1)—
    - (i) for "licensee" **substitute** "authority holder";
    - (ii) for "licence" (wherever occurring) **substitute** "authority";

(b) in subsection (2)—

- (i) for "licence" (wherever occurring) **substitute** "authority";
- (ii) for "licensee" **substitute** "authority holder".

(2) For section 81(3) of the Principal Act **substitute**—

"(3) While the rehabilitation is being completed, a former authority holder must continue the appointment of—

- (a) in the case of a former licensee, a manager to control and manage the former licence worksite; and
- (b) in the case of a former extractive industry work authority holder, a quarry manager or person to manage the site where the extractive industry operation was carried out.

Penalty: 20 penalty units."

## **26 Certification that land has been rehabilitated**

In section 81A(1) of the Principal Act—

- (a) for "a licensee" **substitute** "an authority holder"; and
- (b) for "licensee" (where secondly occurring) **substitute** "authority holder".

## **27 Return of bond if rehabilitation satisfactory**

In section 82 of the Principal Act—

- (a) in subsection (1) for "licensee" (where twice occurring) **substitute** "authority holder";
- (b) in subsection (1)(a), after "section 78" **insert** "or 78A (as the case may be)";

- (c) in subsection (2), after "mining licence" **insert** "or the holder or former holder of an extractive industry work authority";
- (d) in subsection (3), for "licensee" (where twice occurring) **substitute** "authority holder".

## **28 Minister may carry out rehabilitation**

In section 83 of the Principal Act—

- (a) in subsection (1)(a), after "section 78" **insert** "or 78A (as the case may be)";
- (b) in subsection (3), for "licensee" (wherever occurring) **substitute** "authority holder";
- (c) in subsection (5), for "licensee" (where twice occurring) **substitute** "authority holder";
- (d) in subsection (6) for "licence" **substitute** "authorised".

## **29 New Division 1 heading and section 84A inserted into Part 8**

Before section 85 of the Principal Act **insert**—

### **"Division 1—General**

#### **84A Application of this Division**

This Division does not apply in any circumstances in which Division 2 applies."

## **30 What compensation is payable for**

After section 85(2) of the Principal Act **insert**—

- "(2A) The holder of an extractive industry work authority is entitled to compensation under this section only for the deprivation of possession of the whole or any part of the surface of the land and for the loss of opportunity to extract stone from the whole or any part of the land."

**31 New Division 2 of Part 8 inserted**

After section 89 of the Principal Act **insert—**

**"Division 2—Extractive industries search  
authorities**

**89AA Compensation—search authorities**

- (1) Compensation is payable by the Crown to the owner or occupier of any land in respect of which an authority is granted under section 77C (a *search authority*) for damage that has been or will be sustained by the owner or occupier to crops or improvements, including permanent artificial water supply, by reason of any operation that has been or will be carried out on that land under the search authority.
  - (2) The holder of a search authority must not commence any surveys or operations on any land unless the Crown has paid or tendered to the owner and to the occupier of the land the amount of compensation (if any) in each case that is—
    - (a) agreed on by the Crown and the owner or occupier (as the case may be); or
    - (b) in default of agreement, determined by the Magistrates' Court in accordance with subsection (6).
  - (3) The Crown may treat and agree with the owner or occupier with respect to the amount of compensation to be paid.
  - (4) An agreement is not valid unless it is in writing signed by the parties and a copy is lodged with the Secretary.
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- (5) At least 28 days before the holder of a search authority commences to search for stone on any land he or she must notify the owner of the land or the owner and the occupier of his or her intention to do so.
- (6) If within 21 days after notice of intention to commence to search for stone on any land has been given the parties have not agreed upon the compensation to be paid the amount may upon the application of either party be determined by the Magistrates' Court.

**89AB Measure of compensation payable under section 89AA**

Compensation payable under section 89AA is compensation for—

- (a) deprivation of the possession of the surface of the land or any part of the surface; and
- (b) damage to the surface of any land and to any improvements on the land which has been caused by or may arise from the carrying on of any operation under the search authority on the land in respect of which the search authority was granted; and
- (c) all consequential damage to the land."

**32 Section 89G substituted**

For section 89G of the Principal Act **substitute—**

**"89G Code of Practice**

- (1) Subject to subsection (2), a person is not liable to any civil or criminal proceedings merely because the person has failed to observe any provision of a Code of Practice.

- (2) Subsection (1) does not apply to the holder of an extractive industry work authority that is subject to a condition of compliance with a Code of Practice under section 77J(2)."

### **33 Employment of inspectors**

- (1) In section 90(1) of the Principal Act—
- (a) in paragraph (a), for "Director of Mines" **substitute** "Chief Inspector";
  - (b) in paragraph (b), **omit** "of mines".
- (2) In section 90(3) of the Principal Act, for "Director of Mines" **substitute** "Chief Inspector".

### **34 Delegation by Director of Mines**

- (1) **Insert** the following heading to section 91 of the Principal Act—
- "Delegation by Chief Inspector"**.
- (2) In section 91 of the Principal Act, for "Director of Mines" (where twice occurring) **substitute** "Chief Inspector".

### **35 Section 106 substituted**

For section 106 of the Principal Act **substitute**—

#### **"106 Infringements**

- (1) An inspector who has reason to believe that a person has committed an offence against this Act or the regulations that is prescribed for the purposes of this Part may serve on that person an infringement notice.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
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- (3) The infringement penalty for the purposes of this section in respect of an offence referred to in subsection (1) is the penalty prescribed in respect of that offence."

### 36 Order to cease work etc.

- (1) In section 110(1)(c) of the Principal Act, after "former licensee" **insert** "or former holder of an extractive industry work authority".
- (2) For section 110(6) of the Principal Act **substitute**—
- "(6) For the purposes of this section—
- (a) in the case of a mining licence, service of a notice on the manager appointed to control and manage the licence worksites is deemed to be service of the notice on the licensee; and
- (b) in the case of an extractive industry work authority, service of a notice on the quarry manager or person appointed to manage the extractive industry operation is deemed to be service on the holder of the work authority."
- (3) In section 110(7) of the Principal Act, after "licence," **insert** "an extractive industry work authority,".
- (4) In section 110(8) of the Principal Act, after "former licensee" **insert** "or former holder of an extractive industry work authority".

### 37 Pecuniary interests

In section 118(1) of the Principal Act—

- (a) in paragraph (c), for "Director of Mines" **substitute** "Chief Inspector";
- (b) in paragraph (d), **omit** "of mines".

### 38 Regulations

(1) After section 124(1)(b) of the Principal Act **insert—**

"(ba) applications for an extractive industry work authority and variation of an extractive industry work authority; and".

(2) In section 124(1)(qb) of the Principal Act, after "licence" **insert** "or an extractive industry work authority".

### 39 New section 136 inserted

After section 135 of the Principal Act **insert—**

**"136 Saving and transitional provisions—2009 amendments**

Schedule 7 has effect."

### 40 New Schedule 7 inserted

After Schedule 6 to the Principal Act **insert—**

"

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## SCHEDULE 7

### SAVING AND TRANSITIONAL PROVISIONS ARISING FROM THE RESOURCES INDUSTRY LEGISLATION AMENDMENT ACT 2009

#### 1 Definitions

In this Schedule—

*amending Act* means the **Resources Industry Legislation Amendment Act 2009**;

*old Act* means the **Extractive Industries Development Act 1995** as in force before its repeal.

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## **2 Work authorities granted under the old Act to continue**

Despite the repeal of the old Act, a work authority granted under that Act and in force immediately before the repeal of the old Act, continues in force as if it were an extractive industry work authority granted under this Act.

## **3 Variation of work plans**

- (1) If the holder of a work authority, that is continued in operation under clause 2, made an application under section 18 of the old Act to vary the work plan relating to that work authority and that application has not been determined before the commencement of the amending Act, the application must be determined in accordance with this Act.
  - (2) Despite anything to the contrary in this Act, the holder of a work authority granted under the old Act and continued in operation under clause 2 must not make an application to vary the work plan relating to that authority if the extractive industry—
    - (a) is carried out on land that has an area of less than 5 hectares and a depth of less than 5 metres; and
    - (b) does not require blasting or the clearing of native vegetation.
  - (3) The holder of a work authority to which subclause (2) applies may apply, in writing, to the Minister for a determination of the Minister that the holder is not required to comply with the work plan relating to that authority.
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- (4) If the holder of a work authority makes an application under subclause (3), the Minister—
- (a) may determine that the holder is not required to comply with the work plan relating to that authority; and
  - (b) may impose a condition on that authority requiring compliance with a Code of Practice.

#### **4 Chief Inspector of quarries**

On the commencement of the amending Act the person who was, immediately before the commencement of that Act, the Chief Inspector of Quarries within the meaning of the old Act—

- (a) is deemed to be the Chief Inspector within the meaning of this Act; and
- (b) is deemed to be substituted as a party to any proceedings pending in any court to which the Chief Inspector of Quarries was a party immediately before the repeal of the old Act.

#### **5 Inspectors of quarries**

On the commencement of the amending Act a person who was, immediately before the commencement of that Act, an inspector within the meaning of the old Act—

- (a) is deemed to be an inspector within the meaning of this Act; and

Resources Industry Legislation Amendment Act 2009  
No. 6 of 2009

Part 2—Mineral Resources (Sustainable Development) Act 1990

**s. 40**

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(b) is deemed to be substituted as a party to any proceedings pending in any court to which that inspector was a party immediately before the repeal of the old Act."

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**PART 3—EXTRACTIVE INDUSTRIES DEVELOPMENT  
ACT 1995**

**41 Repeal of the Extractive Industries Development  
Act 1995**

See:  
Act No.  
67/1995.  
Reprint No. 3  
as at  
16 March  
2006  
and  
amending  
Act Nos  
16/2006,  
32/2006 and  
63/2006.  
LawToday:  
www.  
legislation.  
vic.gov.au

The **Extractive Industries Development Act  
1995** is repealed.

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**PART 4—CONSEQUENTIAL AMENDMENTS TO OTHER  
ACTS**

**42 Aboriginal Heritage Act 2006**

- (1) In section 50 of the **Aboriginal Heritage Act 2006**, in the definition of *earth resource authorisation*, for paragraph (b) substitute—
- "(b) an extractive industry work authority granted under section 77I of the **Mineral Resources (Sustainable Development) Act 1990**;"
- (2) In section 50 of the **Aboriginal Heritage Act 2006**, in the definition of *earth resource law*, paragraph (b) is **repealed**.

**43 Aboriginal Land (Manatunga Land) Act 1992**

In section 3(2)(b) of the **Aboriginal Land (Manatunga Land) Act 1992**, for ", the **Petroleum Act 1998** or the **Extractive Industries Development Act 1995**" substitute "or the **Petroleum Act 1998**".

**44 Aboriginal Land (Northcote Land) Act 1989**

In section 5(4) of the **Aboriginal Land (Northcote Land) Act 1989**, omit "or the **Extractive Industries Development Act 1995**".

**45 Aboriginal Lands (Aborigines' Advancement League) (Watt Street, Northcote) Act 1982**

In section 3(4) of the **Aboriginal Lands (Aborigines' Advancement League) (Watt Street, Northcote) Act 1982**, omit ", the **Extractive Industries Development Act 1995**".

**46 Catchment and Land Protection Act 1994**

- (1) In section 33(4)(b) of the **Catchment and Land Protection Act 1994**, for "**Extractive Industries Development Act 1995**" substitute "**Mineral Resources (Sustainable Development) Act 1990**".
- (2) In section 33(4)(c) of the **Catchment and Land Protection Act 1994**, for ", the **Petroleum Act 1998** or the **Extractive Industries Development Act 1995**" substitute "or the **Petroleum Act 1998**".
- (3) In section 50(c) of the **Catchment and Land Protection Act 1994**, for ", the **Mineral Resources (Sustainable Development) Act 1990** or the **Extractive Industries Development Act 1995**" substitute "or the **Mineral Resources (Sustainable Development) Act 1990**".
- (4) In section 93(1) of the **Catchment and Land Protection Act 1994**, omit "the **Extractive Industries Development Act 1995**".

**47 Conservation, Forests and Lands Act 1987**

In section 66(2)(a) of the **Conservation, Forests and Lands Act 1987**, for "**Extractive Industries Development Act 1995**" substitute "**Mineral Resources (Sustainable Development) Act 1990**".

**48 Crown Land (Reserves) Act 1978**

In section 13(1)(b)(xi) of the **Crown Land (Reserves) Act 1978**, for "**Extractive Industries Development Act 1995**" substitute "**Mineral Resources (Sustainable Development) Act 1990**".

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**49 Dangerous Goods Act 1985**

- (1) In section 10B(2)(b) of the **Dangerous Goods Act 1985**, omit "the **Extractive Industries Development Act 1995**".
- (2) For section 10B(3)(b) of the **Dangerous Goods Act 1985** substitute—
  - "(b) the Chief Inspector under the **Mineral Resources (Sustainable Development) Act 1990**".
- (3) In section 11(2)(a) of the **Dangerous Goods Act 1985**, omit "the **Extractive Industries Development Act 1995**".
- (4) In section 37(4) of the **Dangerous Goods Act 1985**, for "or the **Mineral Resources (Sustainable Development) Act 1990** or the holder of a work authority under the **Extractive Industries Development Act 1995**" substitute "or the holder of a licence or an extractive industry work authority under the **Mineral Resources (Sustainable Development) Act 1990**".

**50 EastLink Project Act 2004**

Section 131(2) of the **EastLink Project Act 2004** is repealed.

**51 Flora and Fauna Guarantee Act 1988**

Section 37(c) of the **Flora and Fauna Guarantee Act 1988** is repealed.

**52 Forests Act 1958**

In section 42(6) of the **Forests Act 1958**, for "**Extractive Industries Development Act 1995**" substitute "**Mineral Resources (Sustainable Development) Act 1990**".

### **53 Melbourne City Link Act 1995**

- (1) In section 20F(1) of the **Melbourne City Link Act 1995**, in the definition of *excluded Act*, paragraph (c) is **repealed**.
- (2) Section 41(2) of the **Melbourne City Link Act 1995** is **repealed**.
- (3) In section 64(1) of the **Melbourne City Link Act 1995**, in the definition of *excluded Act*, paragraph (d) is **repealed**.

### **54 National Parks Act 1975**

- (1) In section 40(1) of the **National Parks Act 1975**, omit "or the **Extractive Industries Development Act 1995**".
  - (2) In section 40(1AA)(c) of the **National Parks Act 1975**, omit "or the **Extractive Industries Development Act 1995**".
  - (3) In section 40(1AA)(e) of the **National Parks Act 1975**, for "a work authority under the **Extractive Industries Development Act 1995**" substitute "an extractive industry work authority under the **Mineral Resources (Sustainable Development) Act 1990**".
  - (4) In section 40(1AAA) of the **National Parks Act 1975**, for "a work authority under section 19 of the **Extractive Industries Development Act 1995**" substitute "an extractive industry work authority under section 77I of the **Mineral Resources (Sustainable Development) Act 1990**".
  - (5) In section 40(1AC) of the **National Parks Act 1975**, for "a work authority granted under the **Extractive Industries Development Act 1995**" substitute "an extractive industry work authority granted under the **Mineral Resources (Sustainable Development) Act 1990**".
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- (6) In section 40(1A) of the **National Parks Act 1975**, omit "or **Extractive Industries Development Act 1995**".

**55 Nuclear Activities (Prohibitions) Act 1983**

In section 2 of the **Nuclear Activities (Prohibitions) Act 1983**, in the definition of *mining title*, omit "the **Extractive Industries Development Act 1995**".

**56 Occupational Health and Safety Act 2004**

In section 95(1)(b) of the **Occupational Health and Safety Act 2004**, omit ", the **Extractive Industries Development Act 1995**".

**57 Victorian Civil and Administrative Tribunal Act 1998**

- (1) In section 52(4) of the **Victorian Civil and Administrative Tribunal Act 1998**, in the definition of *planning enactment*, for paragraph (c) substitute—

"(c) the provisions of the **Mineral Resources (Sustainable Development) Act 1990** relating to extractive industries;"

- (2) In clause 2 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, in the definition of *planning enactment*, for paragraph (c) substitute—

"(c) the provisions of the **Mineral Resources (Sustainable Development) Act 1990** relating to extractive industries;"

**58 Victorian Plantations Corporation Act 1993**

- (1) In section 3 of the **Victorian Plantations Corporation Act 1993**, in paragraph (c) of the definition of *forest produce*, for "Extractive Industries Development Act 1995" substitute "Mineral Resources (Sustainable Development) Act 1990".
  - (2) In section 9(2)(b) of the **Victorian Plantations Corporation Act 1993**, omit "the Extractive Industries Development Act 1995,".
  - (3) In section 26(1) of the **Victorian Plantations Corporation Act 1993**, for ", the Petroleum Act 1998 or the Extractive Industries Development Act 1995" substitute "or the Petroleum Act 1998".
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**PART 5—REPEAL OF AMENDING ACT**

**59 Repeal of amending Act**

This Act is **repealed** on 1 January 2011.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## ENDNOTES

- † *Minister's second reading speech—*  
*Legislative Assembly: 4 December 2008*  
*Legislative Council: 4 February 2009*

The long title for the Bill for this Act was "A Bill for an Act to amend the **Mineral Resources (Sustainable Development) Act 1990** to provide for extractive industries, to repeal the **Extractive Industries Development Act 1995**, to make consequential amendments to other Acts and for other purposes."