

Authorised Version No. 005
**Mineral Resources (Sustainable
Development) (Extractive Industries)
Regulations 2010**

S.R. No. 3/2010

Authorised Version incorporating amendments as at
8 December 2015

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**Mineral Resources (Sustainable
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Regulations 2010**

S.R. No. 3/2010

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are to prescribe—

- (a) various procedures relating to work plans and extractive industry work authorities; and
- (b) matters relating to royalties; and
- (c) fees, forms and other matters authorised by the Act; and
- (d) certain offences as infringement offences.

2 Authorising provision

These Regulations are made under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**.

3 Definitions

In these Regulations—

quarrying hazard means any quarrying activity and circumstance that may pose a risk to the environment, to any member of the public or to land, property or infrastructure in the vicinity of work carried out at a quarry;

Reg. 3
substituted by
S.R. Nos
154/2014
reg. 5,
150/2015
reg. 5.

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Part 1—Preliminary

the Act means the **Mineral Resources
(Sustainable Development) Act 1990**.

Part 2—Work plans and extractive industry work authorities

4 Fee for lodging a work plan

A person who lodges a work plan with the Department Head under section 77G(1) of the Act must pay the fee specified in Schedule 1AA.

Reg. 4
amended by
S.R. No.
154/2014
reg. 6.

5 Information to be contained in work plans

A work plan must contain the following—

- (a) in the case of a declared quarry, the information set out in Part 1 and Part 2 of Schedule 1;
- (b) in any other case, the information set out in Part 1 of Schedule 1.

Reg. 5
substituted by
S.R. No.
150/2015
reg. 6.

6 Fee for application to vary a work plan

- (1) Subject to subregulation (2), the holder of an extractive industry work authority who, under section 77H(3) of the Act, lodges an application for the approval of a variation of a work plan must pay the fee specified in Schedule 1A.
- (2) Subregulation (1) does not apply to the holder of an extractive industry work authority who lodges an application to vary a work plan in accordance with a direction under section 77H(2) of the Act.

Reg. 6(1)
amended by
S.R. No.
154/2014
reg. 7.

7 Prescribed information to be contained in application for variation of work plan

For the purposes of section 77H(2) of the Act, the prescribed information is—

- (a) a description of any new or changed quarrying hazard arising from the proposed changes to the work set out in the work plan that significantly increases the risks posed to the environment, to any member of the

Reg. 7
substituted by
S.R. No.
150/2015
reg. 7.

- public or to land, property or infrastructure in the vicinity of the relevant work; and
- (b) the information that relates to, and is applicable to, the proposed changes to the work that is set out in items 3.1 and 4.1 of Part 1 of Schedule 1 in relation to any new or changed quarrying hazard described under paragraph (a); and
 - (c) the information that relates to, and is applicable to, the proposed changes to the rehabilitation plan that is set out in item 5.1 of Schedule 1; and
 - (d) the information that relates to, and is applicable to, the proposed changes to the community engagement plan that is set out in item 6.1 of Schedule 1; and
 - (e) in the case of work proposed to be carried out in a declared quarry, the information that relates to, and is applicable to, the proposed changes to the work that may affect quarry stability that is set out in Part 2 of Schedule 1; and
 - (f) a description of how the proposed variation to the work plan relates to the current approved work plan.

Reg. 8
substituted by
S.R. No.
154/2014
reg. 8.

8 Fee for application for work authority

A person who, under section 77I(1) of the Act, applies for an authority to carry out an extractive industry on land must pay the fee specified in item 1 of Schedule 1B for the date on which the application is made.

Reg. 8A
inserted by
S.R. No.
154/2014
reg. 9.

8A Annual fee for work authority granted

- (1) A person who, under section 77I(2) of the Act, is granted an extractive industry work authority must, for each financial year in which the

authority is in force, pay the fee specified in Schedule 1C for that financial year.

- (2) A fee payable under subregulation (1) must be paid no later than 31 July following the end of the financial year for which the fee is payable.

9 Fee for request to vary a work authority

A person who, under section 77M(2)(a) of the Act, requests a variation of an extractive industry work authority must pay the fee specified in item 2 of Schedule 1B for the date on which the request is made.

Reg. 9
amended by
S.R. No.
154/2014
reg. 10.

10 Fee for transfer of work authority

A person who, under section 77N of the Act, seeks the consent of the Minister to transfer an extractive industry work authority must pay the fee specified in item 3 of Schedule 1B for the date on which the consent is sought.

Reg. 10
amended by
S.R. No.
154/2014
reg. 11.

11 Annual report

For the purposes of section 116A(1) of the Act, in relation to work done under an extractive industry work authority within each financial year—

- (a) the prescribed form is the form in Schedule 2; and
- (b) the prescribed information is the information set out in the form in Schedule 2; and
- (c) the prescribed time is no later than 31 July next following the end of the financial year to which the information relates.

12 Information relating to injuries arising out of work done under work authority

For the purposes of section 116A(1) of the Act, in relation to any injuries arising out of work done under an extractive industry work authority—

- (a) the prescribed form is in writing accompanied by a statutory declaration signed by the holder of the authority verifying that the contents of the summary are true and accurate; and
- (b) the prescribed information is a summary of statistics of any injuries arising out of work done under the authority within the following periods in each year—
 - (i) the period beginning on 1 January and ending on 30 June;
 - (ii) the period beginning on 1 July and ending on 31 December; and
- (c) the prescribed time is no later than 4 weeks after the end of the period to which the information relates.

13 Information relating to reportable events at quarries

- (1) For the purposes of section 116A(1) of the Act, in relation to any reportable event arising out of work done under an extractive industry work authority—
 - (a) the prescribed form of furnishing the information is in writing containing the relevant prescribed information set out in paragraph (b);
 - (b) the prescribed information is—
 - (i) a report of the reportable event notifying the Minister of the event, either orally or in writing, including—
 - (A) the date, time and place of the event;
 - (B) a description of the event;

- (C) the steps taken to minimise the impact of the event; and
- (ii) if the Minister so requests, a written report of the reportable event, providing further details to the Minister about the event, including—
 - (A) the date, time and place of the event;
 - (B) the details of the event, including the impact, or likely impact, of the event on public safety, the environment or infrastructure;
 - (C) any known or suspected causes of the event;
 - (D) details of the actions taken to minimise the impact of the event;
 - (E) details of actions taken or proposed to be taken to prevent a recurrence of the event;
- (c) the prescribed time is as soon as practicable after the event has occurred.
- (2) In this regulation *reportable event* means—
 - (a) an event, abnormal to expected, or usual, operations, that results, or may result, in significant impacts on public safety, the environment or infrastructure;
 - (b) an explosion or major outbreak of fire;
 - (c) slope failure, unexpected creep, progressive slope collapse or failure of slope stability control measures;
 - (d) an injury to a member of the public caused by the carrying out of the extractive industry or associated operations;

- (e) an uncontrolled outburst of gas;
- (f) an unexpected or abnormal inrush of groundwater, other water or other fluid;
- (g) an ejection of flyrock outside the worksite from blasting;
- (h) an escape, spillage or leakage of a harmful or potentially harmful—
 - (i) substance; or
 - (ii) slurry; or
 - (iii) tailings; or
- (i) a breach of a condition of the extractive industry work authority;
- (j) an occurrence that results in non-compliance with the work plan or work plan conditions.

14 Report relating to declared quarries

- (1) The holder of an extractive industry work authority that relates to a declared quarry—
 - (a) must prepare a report in writing in respect of each period of 6 months—
 - (i) ending on 30 June or 31 December; or
 - (ii) if the Minister nominates other dates in writing to the holder, ending on a date so nominated; and
 - (b) must provide the report to the Minister within 3 months after the end of the period to which it relates.
- (2) A report under subregulation (1) must include—
 - (a) the outcomes of reviews of the assessment, plan and controls for the management of geotechnical and hydrogeological risks for the declared quarry, taking into account the

- results of monitoring carried out under the monitoring plan and details of—
- (i) the implementation of control measures;
 - (ii) any stability modelling undertaken;
 - (iii) any significant changes in the operation of the declared quarry;
 - (iv) implications for the quarry design components;
- (b) the results of the monitoring plan set out in the work plan;
- (c) a description of activities taken to implement the declared quarry stability controls and the groundwater control system set out in Part 2 of Schedule 1 and any recommended changes to the work plan.

* * * * *

Reg. 15
revoked by
S.R. No.
154/2014
reg. 12.

16 Certain information to be kept at the worksite

The holder of an extractive industry work authority must ensure that—

- (a) a copy of the authority; and
- (b) any conditions that attach to the authority; and
- (c) the current approved work plan—

are kept at the worksite or other place where an extractive industry activity to which the authority relates is being carried out for the use and information of the manager of the extractive industry activity.

Penalty: 10 penalty units.

Part 3—Royalties

17 Calculation of royalties

- (1) Unless otherwise specified in an extractive industry work authority or waived or varied under section 12(4) of the Act, royalties are assessable with respect to stone extracted from Crown land at the applicable rate specified in Schedule 3—
 - (a) upon that stone being sold or otherwise removed from the land in respect of which an extractive industry work authority is granted; or
 - (b) if that stone is intended for use in the manufacture of concrete, asphalt, bricks, tiles or cement products on the same site where the stone is extracted, upon that stone being extracted.
- (2) For the purposes of the determination and payment of royalties in accordance with section 5AB of the Act in respect of the *leased area* within the meaning of the **Mines (Aluminium Agreement) Act 1961**, a reference in these Regulations to Crown land includes a reference to the *leased area*.

18 Payment of royalties and retention of records

- (1) Unless otherwise specified in an extractive industry work authority, royalties in respect of a financial year must be paid no later than 31 July next following the end of the financial year.
- (2) The holder of an extractive industry work authority must ensure that the payment under subregulation (1) is supported by a statutory declaration and accompanied by a return in the form set out in Part 3 of Schedule 2 showing the

amount of stone on which royalties are payable in respect of the financial year.

Penalty: 20 penalty units.

- (3) The holder of an extractive industry work authority must retain copies of records of sales and extractions for inspection purposes for 6 years.

Penalty: 10 penalty units.

Part 4—Extractive industry infringements

19 Infringement offences

- (1) For the purposes of Part 12 of the Act, an offence set out in column 2 of an item in Schedule 4 is prescribed as an infringement offence.
- (2) For the purposes of section 106(3) of the Act, the penalty prescribed for an offence set out in column 2 of an item in Schedule 4 is the penalty set out in column 4 of that item.

Schedules

Schedule 1AA—Fee for lodging a work plan

Regulation 4

Sch. 1AA
 inserted by
 S.R. No.
 154/2014
 reg. 13.

- (1) The fee for lodging a work plan with the Department Head under section 77G(1) of the Act on or after 1 January 2015 and before 1 January 2016 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	42 fee units	N/A
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	104.9 fee units	419.5 fee units
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	125.8 fee units	419.5 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	104.9 fee units	419.5 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	251.7 fee units	839 fee units

- (2) The fee for lodging a work plan with the Department Head under section 77G(1) of the Act on or after 1 January 2016 and before 1 January 2017 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	82.7 fee units	N/A
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	206.6 fee units	826.6 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	248 fee units	826.6 fee units
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	206.6 fee units	826.6 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	496 fee units	1653.2 fee units

- (3) The fee for lodging a work plan with the Department Head under section 77G(1) of the Act on or after 1 January 2017 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	123·4 fee units	N/A
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	308·4 fee units	1233·8 fee units
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	370·1 fee units	1233·8 fee units
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	308·4 fee units	1233·8 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	740·3 fee units	2467·5 fee units

Schedule 1

Part 1—Information required in a work plan for a quarry

Sch. 1
substituted by
S.R. No.
150/2015
reg. 8.

Regulations 5, 7, 13 and 14

1 Description of proposed work

- 1.1 A location map of the work plan area and surrounding areas, drawn at an appropriate scale, that shows the following—
 - (a) the extent and status of Crown lands and private lands;
 - (b) residential, commercial and industrial development;
 - (c) public facilities and infrastructure;
 - (d) rivers and streams within the work plan area and within 2 kilometres of the proposed work plan area;
 - (e) for private land within the proposed work plan area, any depth limitations on the land titles.
- 1.2 A general description of geological information pertaining to the proposed work, including stratigraphy, any adverse geological structures, the types of stone to be extracted and the estimated stone resources and reserves.
- 1.3 A general description of the quarry operations, that includes the following—
 - (a) method and scale of extraction;
 - (b) stone processing methods and facilities;
 - (c) waste disposal methods and facilities;
 - (d) stockpiling facilities;
 - (e) other quarry infrastructure.

- 1.4 A site map, drawn at an appropriate scale, showing the general layout of the quarry and associated facilities and infrastructure.
- 1.5 A description of sensitive receptors (including their location), in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the proposed work.

2 Identification of quarrying hazards

- 2.1 An identification of quarrying hazards that may arise from each phase of the proposed work, including set up/
construction, operations/production
and rehabilitation/closure.

3 Identification and assessment of risk

- 3.1 An identification and assessment of the risks that the identified quarrying hazards may pose to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work.
- 3.2 For the purposes of item 3.1, an assessment of risks posed by a quarrying hazard must have regard to—
 - (a) the nature of the quarrying hazard; and
 - (b) the likelihood of the quarrying hazard causing, or contributing to, any harm or damage to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work; and
 - (c) the severity or consequence of the harm or damage that may be caused.

4 Risk management plan

4.1 A risk management plan that—

- (a) specifies the control measures to eliminate or minimise, as far as reasonably practicable, the identified risks associated with quarrying hazards; and
- (b) specifies the objectives, standards or acceptance criteria that each control measure or a combination of control measures will achieve; and
- (c) includes a monitoring program that will measure performance against all the specified objectives, standards and acceptance criteria; and
- (d) specifies arrangements for reporting on performance against all the specified objectives, standards and acceptance criteria.

5 Rehabilitation plan

5.1 A rehabilitation plan that—

- (a) addresses concepts for the end utilisation of the proposed quarry site; and
- (b) includes proposals for the progressive rehabilitation, stabilisation and revegetation of extraction areas, waste disposal areas, stockpile areas, dams and other land affected by the operations; and
- (c) includes proposals for landscaping to minimise the visual impact of the quarry site; and
- (d) includes proposals for the final rehabilitation and closure of the site, including the security of the site and the removal of plant and equipment, taking into account any potential long term degradation of the environment.

6 Community engagement plan

- 6.1 A community engagement plan that—
- (a) identifies any community likely to be affected by the quarry operations; and
 - (b) in relation to quarry operations, includes proposals for—
 - (i) identifying community attitudes and expectations; and
 - (ii) providing information to the community; and
 - (iii) receiving feedback from the community; and
 - (iv) analysing community feedback and considering community concerns or expectations; and
 - (c) includes a proposal for registering, documenting and responding to complaints and other communications from members of the community in relation to the quarry operations.

Part 2—Declared quarry stability requirements and processes

- 1 Any geological information, in addition to that provided under Part 1, that is relevant to the stability of the declared quarry, including a plan showing cross-sections and long sections of the proposed extraction area of the declared quarry.
- 2 An assessment of the geotechnical and hydrogeological risks for the declared quarry.
- 3 A description of the control measures that will be implemented to eliminate or reduce the geotechnical or hydrogeological risks to an acceptable level including—

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Schedule 1AA—Fee for lodging a work plan

- (a) a description of any proposed groundwater control system; and
 - (b) particulars of other measures to ensure the stability of the quarry, associated infrastructure and adjacent land.
- 4 A plan for monitoring the stability and groundwater management of the declared quarry.
- 5 A description of the process for reviews of the assessment, plan, actions and control measures referred to in this Part relating to the declared quarry.

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Schedule 1A—Fee for application to vary a work plan

Sch. 1A
inserted by
S.R. No.
154/2014
reg. 14.

Schedule 1A—Fee for application to vary a work plan

Regulation 6

- (1) The fee for lodging an application under section 77H(3) of the Act for the approval of a variation of a work plan on or after 1 January 2015 and before 1 January 2016 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	38.9 fee units	N/A	13 fee units
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	103.7 fee units	388.9 fee units	32.4 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	129.6 fee units	388.9 fee units	38.9 fee units
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	103.7 fee units	388.9 fee units	32.4 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	259.3 fee units	777.8 fee units	77.8 fee units

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- (2) The fee for lodging an application under section 77H(3) of the Act for the approval of a work plan on or after 1 January 2016 and before 1 January 2017 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	76.6 fee units	N/A	25.5 fee units
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	204.4 fee units	766.3 fee units	63.9 fee units
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	255.5 fee units	766.3 fee units	76.6 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	204.4 fee units	766.3 fee units	63.9 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	510.9 fee units	1532.6 fee units	153.3 fee units

- (3) The fee for lodging an application under section 77H(3) of the Act for the approval of a work plan on or after 1 January 2017 for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

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Schedule 1A—Fee for application to vary a work plan

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	114.4 fee units	N/A	38.1 fee units
2	Quarry with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	305 fee units	1143.8 fee units	95.3 fee units
3	Quarry with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	381.3 fee units	1143.8 fee units	114.4 fee units

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Schedule 1A—Fee for application to vary a work plan

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
4	Quarry with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	305 fee units	1143.8 fee units	95.3 fee units
5	Quarry with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	762.5 fee units	2287.5 fee units	228.8 fee units

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 1B—Fees relating to work authorities

Sch. 1B
inserted by
S.R. No.
154/2014
reg. 14.

Schedule 1B—Fees relating to work authorities

Regulations 8, 9 and 10

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item No.</i>	<i>Reg. No.</i>	<i>Nature of fee</i>	<i>Fee on or after 1 January 2015 to 31 December 2015</i>	<i>Fee on or after 1 January 2016 to 31 December 2016</i>	<i>Fee on or after 1 January 2017</i>
1	8	Fee for application for work authority	30.1 fee units	59.3 fee units	88.5 fee units
2	9	Fee for request to vary a work authority	6.8 fee units	13.4 fee units	20 fee units
3	10	Fee for transfer of work authority	4.7 fee units	9.2 fee units	13.7 fee units

Schedule 1C—Annual fee for work authority granted

Sch. 1C
 inserted by
 S.R. No.
 154/2014
 reg. 14.

Regulation 8A

- (1) The annual fee for an extractive industry work authority under which a total useable quantity of product with a value of total sales at gate specified in column 2 of the following Table is produced during the financial year ending on 30 June 2015 is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of useable quantity produced under work authority	Fee
1	\$0 to \$100 000	4·8 fee units
2	\$100 001 to \$500 000	9·5 fee units
3	\$500 001 to \$1 000 000	19 fee units
4	\$1 000 001 to \$5 000 000	75·9 fee units
5	\$5 000 001 to \$10 000 000	113·8 fee units
6	More than \$10 000 000	142·2 fee units

- (2) The annual fee for an extractive industry work authority under which a total useable quantity of product with a value of total sales at gate specified in column 2 of the following Table is produced during the financial year ending on 30 June 2016 is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of useable quantity produced under work authority	Fee
1	\$0 to \$100 000	14·1 fee units
2	\$100 001 to \$500 000	28·2 fee units

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 1C—Annual fee for work authority granted

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of useable quantity produced under work authority	Fee
3	\$500 001 to \$1 000 000	56.3 fee units
4	\$1 000 001 to \$5 000 000	225.4 fee units
5	\$5 000 001 to \$10 000 000	338 fee units
6	More than \$10 000 000	422.5 fee units

- (3) The annual fee for an extractive industry work authority under which a total useable quantity of product with a value of total sales at gate specified in column 2 of the following Table is produced during the financial year ending on 30 June 2017 is the fee specified in the corresponding entry in column 3 of that Table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of useable quantity produced under work authority	Fee
1	\$0 to \$100 000	23.3 fee units
2	\$100 001 to \$500 000	46.6 fee units
3	\$500 001 to \$1 000 000	93.1 fee units
4	\$1 000 001 to \$5 000 000	372.6 fee units
5	\$5 000 001 to \$10 000 000	558.8 fee units
6	More than \$10 000 000	698.6 fee units

- (4) From 1 July 2017, the annual fee for an extractive industry work authority for a financial year during which a total useable quantity of product with a value of total sales at gate specified in column 2 of the following Table is produced under that authority is the fee specified in the corresponding entry in column 3 of that Table.

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Regulations 2010
S.R. No. 3/2010
Schedule 1C—Annual fee for work authority granted

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of useable quantity produced under work authority	Fee
1	\$0 to \$100 000	27.9 fee units
2	\$100 001 to \$500 000	55.8 fee units
3	\$500 001 to \$1 000 000	111.5 fee units
4	\$1 000 001 to \$5 000 000	446.2 fee units
5	\$5 000 001 to \$10 000 000	669.2 fee units
6	More than \$10 000 000	836.6 fee units

Note

The total useable quantity of product produced under the extractive industry work authority and the value of total sales at gate is reported annually in accordance with section 116A of the Act.

Schedule 2

Regulations 11 and 18

Mineral Resources (Sustainable Development) Act 1990

EXTRACTIVE INDUSTRY WORK AUTHORITY

ANNUAL REPORT

for the period 1 July 2 to 30 June 2

Extractive Industry Work Authority Number(s):

Holder of Extractive Industry Work Authority:

Location of Quarry:

STATUTORY DECLARATION

I, *(full name)*
of *(full address)*
sincerely declare—

- (a) that the information in Parts 1 and 2 of this Report is a true and correct statement of work done under the Extractive Industry Work Authority.
- (b) that the information in the Royalties Return in Part 3 of this Report is a true and correct statement of royalties payable with respect to stone sold or removed from Crown land or extracted from Crown land and used on site. *(Delete if not applicable)*

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Declared at
in the State of Victoria on

Before:

*(Name and address in legible writing, typing
or stamp below signature.)*

A person authorised under section 107A(1) of the **Evidence (Miscellaneous Provisions) Act 1958** to witness the signing of a statutory declaration.

Person to be contacted if queries arise regarding this Report:

Name:

Telephone Number:

Part 1—General

Stone has been extracted or sold during the period 1 July 2010 to 30 June 2011 .

OR

Stone has not been extracted or sold during the period 1 July 2010 to 30 June 2011 .

(Delete as appropriate)

Part 2—Details of rock extracted

Rock type <i>Note 1</i>				
Product type <i>Note 1</i>				
Total quantity (in cubic metres or tonnes) produced <i>Note 2</i>				
Value of total sales at gate <i>Note 3</i>				

Note 1: Rock type and Product type

Choose rock type from the Table below and associated product types. Use the separate columns for each product type. Overburden from hard rock quarries should generally be shown as "fill" under the parent rock type, not as "clay and clay shale" unless used for manufacture of fired products.

Note 2: Total quantity produced

This is the useable quantity produced under the extractive industry work authority.

- (1) Include quarry products sold, used or disposed of during the period, being materials extracted from this site (including private and Crown land) and used by the holder of the extractive industry work authority or transferred to an associated operation.

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 2

- (2) Do not include products produced from raw materials imported to this site from another operation. Such imported material, treated and sold materials should be accounted for on a separate form relating to the site where they were extracted.
- (3) Do not include overburden material which is used internally.

Note 3: Value of Total Sales at Gate

Sales value should be the value at the quarry gate (ex bin) including any loading cost. If actual sales from the quarry include outward freight and cartage, that amount must be deducted for the purposes of this report. If stone is not actually sold or disposed from a site but is used on that site for the manufacture of asphalt, concrete, bricks, tiles or cement products, an estimated value of the stone prior to its use for that purpose needs to be provided.

TABLE OF ROCK TYPES AND PRODUCT TYPES

<i>Rock Types</i>	<i>Product Types</i>
Basalt Old	Aggregate (i.e. aggregate, rail ballast, filler material) single size screenings such as concrete
Basalt New	
Trachyte	Road Base (Class 1 and 2 crushed rock (CR))
Dolerite	
Granite (incl. granodiorite, porphyry, microgranites)	Road Sub-Base (incl. Class 3 and 4 CR, NDCR and track material)
Rhyodacite (incl. dacite, rhyolite)	Fill (incl. scalpings, spalls)
Scoria	Armour (incl. beaching)
Tuff	Dimension stone
Gneiss	
Hornfels	
Marble	
Quartzite	
Schist	
Slate	
Sedimentary (usually rippable rocks incl. sandstone, shale, siltstone chert, mudstone, claystone)	

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 2

<i>Rock Types</i>	<i>Product Types</i>
Limestone (incl. limesand)	Road Base Class 1 and 2 crushed rock (CR) Road Class Sub-Base (Class 3 and 4 CR, NDCR and track material) Fill (incl. scalpings, spalls) Dimension stone Cement Agriculture Lime Flux Industrial Filters
Sand and Gravel (naturally occurring gravels, not crushed sedimentary rocks)	Aggregate (i.e. single size screenings such as concrete aggregate filter materials) Road Base (Class 1 and 2 crushed rock (CR)) Road Sub-Base (include Class 3 and 4 CR, NDCR and track material) Fill (incl. scalpings, spalls) Concrete sand Fine sand (Brick, Packing Bedding, Plaster, Asphalt) Foundry sand Glass sand Industrial (silica flour, fibre glass, ceramics, etc.)
Clay and Clay Shale	Brick (incl. Pavers) Tile/Pipe Firebricks Stoneware (incl. Pottery, Whiteware) Fill
Soil	
Peat	

Part 3—Royalties return

Royalties payable with respect to stone sold or removed from Crown land or extracted from Crown land and used on the same site

Quantity of stone sold or removed from Crown land or extracted from Crown land and used on the same site:

*Quantity (in cubic metres or tonnes) of stone other than dimension stone or marble sold or removed from Crown land or quantity extracted from Crown land and used on the same site	Cubic Metres	Tonnes
*Quantity (in cubic metres or tonnes) of dimension stone or marble sold or removed from Crown land or extracted from Crown land and used on the same site	Cubic Metres	Tonnes

*This is the amount of stone on which royalties must be paid pursuant to section 12(3) of the Act—

- (a) include the amount of stone sold or otherwise removed from Crown land;
- (b) include the amount of stone extracted from Crown land and intended for use in the manufacture of concrete, asphalt, bricks, tiles or cement products on the same site where the stone is extracted.

Royalties must be assessed using the appropriate column in Schedule 3 of the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010 which corresponds with the method of measurement at the stage the royalties become payable under regulation 18 of those Regulations.

- 1 For all stone other than dimension stone and marble:
 - cubic metres of stone @ \$1.43 per cubic metre = \$
 - tonnes of stone @ \$0.87 per tonne = \$
- 2 For dimension stone and marble:
 - cubic metres of stone @ \$8.07 per cubic metre = \$
 - tonnes of stone @ \$3.23 per tonne = \$

Schedule 3—Rate of royalties

Regulation 17

1 Definitions

In this Schedule—

***M*³** means a cubic metre of material in the form that is the loose measurement of the material sold, removed or extracted;

tonne means a tonne of material in the form that is the loose measurement of the material sold, removed or extracted.

2 Rates

<i>Type of stone</i>	<i>Rate per m³</i>	<i>Rate per tonne</i>
All stone (except dimension stone and marble)	\$1.43	\$0.87
Dimension stone and marble	\$8.07	\$3.23

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 4—Infringement offences

Sch. 4
amended by
S.R. No.
154/2014
reg. 15.

Schedule 4—Infringement offences

Regulation 19

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Prescribed Infringement Offence</i>	<i>Summary of Offence</i>	<i>Infringement Penalty</i>
1	An offence against section 8AA(a) of the Act	Searching for stone on Crown land without consent	10 penalty units
2	An offence against section 8AA(b) of the Act	Searching for stone on private land without consent	10 penalty units
3	An offence against section 8AB(2) of the Act	Failing to comply with extractive industry work authority when carrying out extractive industry	5 penalty units
3A	An offence against section 80(4A) of the Act	Failing to comply with a requirement to enter into a further rehabilitation bond	25 penalty units in the case of a corporation or 5 penalty units in any other case
4	An offence against section 80(6) of the Act	Failing to comply with notice prohibiting further work	10 penalty units
5	An offence against section 95R(2)(a) of the Act	Failing to comply with a lawful requirement of an inspector	10 penalty units
6	An offence against section 110(3) of the Act	Failing to comply with a notice issued under section 110(2) of the Act	10 penalty units

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
S.R. No. 3/2010
Schedule 4—Infringement offences

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Prescribed Infringement Offence</i>	<i>Summary of Offence</i>	<i>Infringement Penalty</i>
7	An offence against section 116A(1) of the Act	Failure by holder of an extractive industry work authority to provide required information	2 penalty units
8	An offence against regulation 16 of these Regulations	Failing to ensure that required documents and information are made available for the manager	2 penalty units

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010, S.R. No. 3/2010 were made on 27 January 2010 by the Governor in Council under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**, No. 92/1990 and came into operation on 27 January 2010.

The Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010 will sunset 10 years after the day of making on 27 January 2020 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Mineral Resources (Sustainable Development) (Extractive Industries)
Regulations 2010
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Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010 by statutory rules, subordinate instruments and Acts.

Mineral Resources (Sustainable Development) (Extractive Industries) Amendment
Regulations 2014, S.R. No. 154/2014

Date of Making: 7.10.14
Date of Commencement: Reg. 15 on 1.11.14: reg. 3(2); regs 5–14 on
1.1.15: reg. 3(1)

Mineral Resources (Sustainable Development) (Extractive Industries) Amendment
(Risk-Based Work Plans) Regulations 2015, S.R. No. 150/2015

Date of Making: 8.12.15
Date of Commencement: 8.12.15: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2015 is \$13.60. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2015 is \$151.67.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.