

Version No. 023
Extractive Industries Development Act 1995
Act No. 67/1995

Version incorporating amendments as at 27 May 2004

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Purposes	1
2. Commencement	1
3. Definitions	2
4. Act to bind Crown	7
5. Application of this Act	7
6. Application of this Act to Alcoa land	8
7. Ownership of stone	9
PART 2—AUTHORISATIONS AND PERMITS	10
Division 1—Offences	10
8. Offence to search for stone without owner's consent	10
9. Offence to carry on extractive industry without authority	10
Division 2—Search for Stone	11
10. Land not available for searching for stone	11
11. Consent to search for stone on Crown land	12
12. Special requirements for particular land	13
13. Authority to search for stone for Department	15
14. Form and content of consent	15
15. Effect of consent	16
16. Power of Minister to cancel or suspend consent etc.	16
Division 3—Work Plans and Authorities	17
17. Work plan	17
18. Variation of work plan	18
19. Work authorities	19
20. Conditions of work authorities	20
21. Period of work authority	21
22. Variation of a work authority	21

<i>Section</i>	<i>Page</i>
23. Transfer of a work authority	22
24. Cancellation of a work authority	23
24A. Review of certain decisions about work plans and authorities	24
Division 4—Planning Requirements	25
25. Powers to amend planning scheme	25
Division 5—Mineral Resources	26
26. Land subject to a mining licence	26
27. Compensation for mining exploration or work	27
Division 6—Royalties	27
28. Royalties	27
Division 7—Compensation	28
29. Compensation	28
30. Measure of compensation	29
PART 3—REHABILITATION	30
31. Holder of work authority must rehabilitate land	30
32. Rehabilitation plan	30
33. Rehabilitation bond	30
34. Rehabilitation	32
35. Return of bond if rehabilitation satisfactory	32
36. Minister may carry out additional rehabilitation	33
37. Payment out of Consolidated Fund	34
PART 4—QUARRY MANAGERS	35
38. Manager must be appointed	35
39. Application for quarry manager's certificate	35
40. Inquiry by panel	37
PART 5—ENFORCEMENT	39
Division 1—Inspectors	39
41. Employment of inspectors	39
42. Delegation by Chief Inspector of Quarries	39
43. Powers of inspectors	40
44. Offence to obstruct inspector, etc.	42
Division 2—Quarrying Infringements	43
45. Quarrying infringements	43
46. Payment of penalty	44
47. Proof of prior convictions	45

<i>Section</i>	<i>Page</i>
Division 3—Enforcement	46
48. Order to cease work, etc.	46
49. Obtaining consent or authority dishonestly	48
50. Offences by bodies corporate	48
 PART 6—MISCELLANEOUS	 49
50A. Application for declaration	49
51. Occupiers liability	49
52. Holder of work authority or consent must supply information	50
53. Secrecy	50
54. Delegation	51
55. Service of documents	51
56. Regulations	53
 PART 7—REPEALS, AMENDMENTS, SAVINGS AND TRANSITIONALS	 56
57. Repeal	56
58. <i>Repealed</i>	56
59. Savings and transitionals	56
60. Further transitionals—search consents	56
<hr/>	
 SCHEDULES	 58
SCHEDULE 1— <i>Repealed</i>	58
SCHEDULE 2—Savings and Transitionals	59
<hr/> <hr/>	
 ENDNOTES	 62
1. General Information	62
2. Table of Amendments	63
3. Explanatory Details	66

Version No. 023
Extractive Industries Development Act 1995
Act No. 67/1995

Version incorporating amendments as at 27 May 2004

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The main purposes of this Act are to—

- (a) provide a co-ordinated assessment and approvals process for extractive industries;
- (b) ensure that extractive industry operations are carried out with safe operating standards and in a manner that ensures the rehabilitation of quarried land to a safe and stable landform;
- (c) provide a procedure for notification of proposed extractive industries to licence holders under the **Mineral Resources Development Act 1990**;
- (d) provide for the payment of royalties for stone extracted from Crown land.

2. Commencement

- (1) Part 1 and section 60(1) and (2) come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 3

- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3. Definitions

- (1) In this Act—

"Chief Inspector of Quarries" means the Chief Inspector of Quarries appointed under section 41(1)(a);

"Crown land" means land that is, or that is by any Act deemed to be, unalienated land of the Crown, and includes—

- (a) land of the Crown that is reserved permanently or temporarily by or under any Act; and
- (b) land of the Crown occupied by a person under a lease, licence or other right under this or any other Act—

but does not include land which is the subject of a licence granted under Part 3A of the **Victorian Plantations Corporation Act 1993**;

"Department" means the Department of Primary Industries;

"Department Head" means the Department Head (within the meaning of the **Public Sector Management and Employment Act 1998**) of the Department;

S. 3(1) def. of "Crown land" amended by No. 35/1998 s. 14(a).

S. 3(1) def. of "Department" amended by Nos 46/1998 s. 7(Sch. 1), 56/2003 s. 11(Sch. item 8.1).

S. 3(1) def. of "Department Head" inserted by No. 76/1998 s. 22(a)(ii).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 3

* * * * *

S. 3(1) def. of
"Director-
General"
repealed by
No. 76/1998
s. 22(a)(i).

"extractive industry" means the extraction or removal of stone from land if the 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 declared by the Minister, by notice published in the Government Gazette, to be an extractive industry for the purposes of this Act;

"infringement" means an offence referred to in section 45;

"inspector" means an inspector of quarries appointed under section 41(1)(b) and includes the Chief Inspector of Quarries;

"occupier" in relation to land means any person lawfully in possession of the land;

"owner" means—

- (a) in relation to Crown land, means the Minister responsible for administering the Act under which the Crown land is controlled or managed;
- (b) in relation to private land under the **Transfer of Land Act 1958** (other than land in an identified folio under that

S. 3(1) def. of
"owner"
amended by
Nos 35/1998
s. 14(b),
85/1998
s. 24(Sch.
item 22),
84/2003
s. 3(a).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 3

Act), the person who is registered or entitled to be registered as the proprietor of the land; and

- (c) in relation to other private land—
- (i) if the land is mortgaged, the mortgagor; and
 - (ia) if the land is subject to a licence granted under Part 3A of the **Victorian Plantations Corporation Act 1993**, the licensee, under that Part, of the land; and
 - (ii) in any other case, the person who has the fee in the land;

"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**;

"private land" means any land other than Crown land;

"quarry" means—

- (a) a pit or excavation made in land below the natural surface for the purpose of extracting or removing stone if the 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

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 3

- (b) any place or operation 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**;

* * * * *

S. 3(1) def. of "search permit" repealed by No. 84/2003 s. 3(b).

* * * * *

S. 3(1) def. of "Secretary" repealed by No. 76/1998 s. 22(a)(i).

"stone" means—

(a) sandstone, freestone or other building stone; or

S. 3(1) def. of "stone" amended by No. 71/2001 s. 3(2).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 3

- (b) basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing, road making or construction purposes; or
- (c) quartz (other than quartz crystals); or
- (d) slate or gravel; or
- (e) clay (other than fine clay, bentonite or kaolin); or
- (ea) peat; or
- (f) sand, earth or soil; or
- (g) other similar materials;

S. 3(1) def. of "Tribunal" inserted by No. 52/1998 s. 311(Sch. 1 item 29.1).

"Tribunal" means Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**;

"work authority" means a work authority granted under section 19;

"work plan" means a work plan lodged under section 17.

S. 3(2) amended by No. 46/1998 s. 7(Sch. 1).

(2) If under the **Public Sector Management and Employment Act 1998** the name of—

S. 3(2)(a) repealed by No. 46/1998 s. 7(Sch. 1).

* * * * *

S. 3(2)(b) amended by Nos 46/1998 s. 7(Sch. 1), 76/1998 s. 22(b), 56/2003 s. 11(Sch. item 8.2).

(b) the Department of Primary Industries is changed, a reference to that Department in the definition of "Department Head" must, from the date when the name is changed, be treated as a reference to the Department by its new name.

-
- (3) If, under a provision of this Act, the Ministers administering the **Conservation, Forests and Lands Act 1987** are—
- (a) given a function, power or duty in relation to a matter; or
 - (b) required to give a consent or to be consulted about a matter; or
 - (c) required to be given a notice or a copy of any document—

that function, power or duty may be exercised by, that consent is only required to be given by, that consultation is only required to be with, and that notice or copy is only required to be given to, whichever of those Ministers is responsible in the relevant respect for the land concerned if both of them are not so responsible and the provision has effect accordingly.

4. Act to bind Crown

- (1) This Act binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.
- (2) Nothing in this Act makes the Crown in any of its capacities liable to be prosecuted for an offence.

5. 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 the provisions of this Act whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 1—Preliminary

s. 6

- (2) Despite any contrary provision in any other Act administered by the Ministers 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 this Act with respect to the searching for stone or the carrying out of the extractive industry.
- (3) Sub-section (1) does not affect any lease, licence, permit or authority issued or granted under an Act administered by the Ministers referred to in sub-section (2).
- (4) The provisions of this Act 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 farmworks and not for sale or any other commercial use.
- (5) The provisions of this Act 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**.

S. 5(5)
inserted by
No. 61/2003
s. 35.

6. Application of this Act to Alcoa land

- (1) For the purposes of this Act 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 is the owner for any purpose other than the determination and payment of royalty to the Crown.

-
- (2) The Minister must not grant any work authority over any part of the leased area referred to in subsection (1) without the consent of the Ministers administering the **Conservation, Forests and Lands Act 1987**.

7. Ownership of stone

- (1) All stone which is on or below the surface of any private land and is owned by the Crown, 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 a work authority; or
 - (b) applies for a work authority—
- in respect of any stratum of private land immediately below which there is unalienated Crown land and that person proposes to carry out an extractive industry on that unalienated Crown land is deemed to own that Crown land for the purpose of obtaining a work authority for the carrying out of that extractive industry, but the stone in that unalienated Crown land remains the property of the Crown and that person must pay royalties for the stone extracted or removed from the land and the work authority may provide for the determination and payment of royalties accordingly.
-

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 8

PART 2—AUTHORISATIONS AND PERMITS

Division 1—Offences

8. Offence to search for stone without owner's consent

S. 8
substituted by
No. 84/2003
s. 4.

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 the consent of the owner and any consent required under section 12(1)(a); or
- (b) on any private land without—
 - (i) the consent of the owner of the land and any consent required under section 12(1)(a); or
 - (ii) the authority of the Minister under section 13 and any consent required under section 12(1)(a).

Penalty: 50 penalty units.

9. Offence to carry on extractive industry without authority

- (1) A person must not carry out any extractive industry—
 - (a) on any Crown land without a current work authority to carry out that extractive industry on that land; or
 - (b) on any private land without a current work authority to carry out that extractive industry on that land.

Penalty: 200 penalty units.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 10

- (2) The holder of a 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: 100 penalty units in the case of an offence involving a breach of a condition of a work authority relating to the safety of workers or the public;
20 penalty units in any other case.

Division 2—Search for Stone

10. Land not available for searching for stone

The Minister must not give consent under section 11 to search for stone on the following land—

- (a) land that is a reference area under the **Reference Areas Act 1978**;
- (b) land that is a national park, wilderness park, State park, marine national park or marine sanctuary under the **National Parks Act 1975**;
- (c) land that is an Aboriginal place, to the extent of any terms of a declaration of preservation in force under section 21C, 21D or 21E of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 of the Commonwealth;
- (d) land that is an archaeological area under the **Archaeological and Aboriginal Relics Preservation Act 1972** or that contains relics the occurrence of which is registered under section 10(a) of that Act.

S. 10
amended by
No. 84/2003
s. 5.

S. 10(b)
amended by
No. 40/2002
s. 28.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 11

S. 11
substituted by
No. 84/2003
s. 6.

11. Consent to search for stone on Crown land

- (1) A person may apply to the Minister responsible for administering the Act under which particular Crown land is controlled or managed for consent to search for stone on that Crown land.
- (2) The 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 **Archaeological and Aboriginal Relics Preservation Act 1972**; and
 - (b) any person or body nominated in relation to the application by the Minister to whom a power has been delegated under section 21B of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 of the Commonwealth.
- (3) The Minister must have regard to any comments or submissions of a person or body nominated for the purposes of sub-section (2) in considering an application for consent.
- (4) The Minister may, by instrument in writing—
 - (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 Minister must not unreasonably withhold consent.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 12

-
- (6) The 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 sub-section (2).
- (7) If the Minister refuses to consent under sub-section (4), the Minister 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 by the Minister—
- (a) to refuse to consent to the person searching for stone on Crown land; or
 - (b) to consent to the person searching for stone on Crown land subject to conditions.

12. Special requirements for particular land

- (1) A person who proposes to carry out any search for stone on land—
- (a) 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 that Act or Melbourne Water Corporation must obtain the consent of that Authority, licensee or Corporation; or
 - (b) on which there is a public highway, road or street must give 21 days notice of the proposed work to the person or body having the care or management of the public highway, road or street.

S. 12
amended by
No. 52/1998
s. 311(Sch. 1
item 29.2),
substituted by
No. 84/2003
s. 6.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 12

-
- (2) A person may only 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 that Act or Melbourne Water Corporation; or
 - (b) any main drains, sewers, aqueducts, channels or pipelines of that Authority, licensee or Corporation—
- after consultation with the Authority, licensee or Corporation and in compliance with any conditions specified by the Authority, licensee or Corporation.
- (3) The Authority, licensee or Corporation—
- (a) must not unreasonably withhold consent under sub-section (1)(a); and
 - (b) may grant that consent subject to conditions.
- (4) If the Authority, licensee or Corporation does not, within 60 days after the consent under sub-section (1)(a) being sought, grant that consent or refuse to consent, that consent is deemed to have been granted.
- (5) If the Authority, licensee or Corporation refuses to consent under sub-section (1)(a) the Authority, licensee or Corporation 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.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 13

-
- (6) A person may apply to the Tribunal for review of a decision—
- (a) by the Authority, licensee or Corporation to refuse to consent to that person carrying out a search for stone under sub-section (1)(a); or
 - (b) by the Authority, licensee or Corporation to consent to that person carrying out a search for stone under sub-section (1)(a) subject to conditions; or
 - (c) by the Authority, licensee or Corporation to specify any conditions for that person to do work at a depth of more than 0·75 metres below any land under sub-section (2).

13. 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 sub-section (1) which is authorised by the Minister.
- (3) An authority under this section must be in writing.

14. Form and content of consent

A consent granted under section 11—

- (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

S. 14
substituted by
No. 84/2003
s. 7.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 15

- (c) must be expressed to be subject to any conditions, limitations and restrictions that are prescribed and any other conditions, limitations and restrictions that the Minister thinks fit to impose; and
- (d) remains in force unless sooner cancelled or suspended for a period of 2 years from the date the consent was granted.

S. 15
substituted by
No. 84/2003
s. 7.

15. Effect of consent

- (1) The holder of a consent under section 11 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 11 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.

S. 16
substituted by
No. 84/2003
s. 7.

16. Power of Minister to cancel or suspend consent etc.

- (1) The Minister referred to in section 11 may at any time—
 - (a) cancel or suspend a consent under section 11 if the person granted 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 search under a consent granted under section 11 any land which is required for any public purpose and cancel the part of the consent that relates to the land withdrawn; or

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 17

- (c) at the request of the person granted the consent, cancel the consent either wholly or in part.
- (2) A person who has been granted consent may apply to the Tribunal for review of a decision of the Minister to cancel or suspend the consent under sub-section (1)(a) or cancel part of the consent under sub-section (1)(b).

Division 3—Work Plans and Authorities

17. Work plan

- | | |
|--|---|
| (1) A person who proposes to apply for a work authority to carry out an extractive industry must lodge a work plan with the Department Head. | S. 17(1) amended by No. 76/1998 s. 22(c)(i). |
| * * * * * | S. 17(2) repealed by No. 76/1998 s. 22(c)(ii). |
| (3) A work plan must contain the prescribed information and must include a rehabilitation plan for the land. | |
| * * * * * | S. 17(4)(5) repealed by No. 76/1998 s. 22(c)(ii). |
| (6) The Department Head must, within 1 month after the work plan is lodged— | S. 17(6) amended by No. 76/1998 s. 22(c)(i)(iii). |
| (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. | |

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 18

18. Variation of work plan

S. 18(1)
amended by
No. 76/1998
s. 22(d).

(1) The Department Head may, by instrument served on the holder of a work authority, approve the variation of, the work plan relating to that authority.

S. 18(2)
amended by
No. 76/1998
s. 22(d),
substituted by
No. 84/2003
s. 8.

(2) The Department Head may direct the holder of a 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.

S. 18(3)
amended by
No. 76/1998
s. 22(d).

(3) The holder of a work authority who proposes to vary an approved work plan or is directed by the Department Head under sub-section (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.

S. 18(5)
amended by
No. 76/1998
s. 22(d).

(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.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 19

-
- | | |
|--|--|
| <p>(6) The Department Head must not approve a variation of a work plan unless—</p> <p style="margin-left: 40px;">(a) he or she has consulted the municipal council in whose municipal district the land is situated;</p> <p style="margin-left: 40px;">* * * * *</p> | <p>S. 18(6) amended by No. 76/1998 s. 22(d).</p> <p>S. 18(6)(a) amended by No. 76/1998 s. 22(e)(i).</p> <p>S. 18(6)(b) repealed by No. 76/1998 s. 22(e)(ii).</p> |
| <p>(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.</p> | <p>S. 18(7) amended by No. 76/1998 s. 22(d).</p> |

19. Work authorities

- (1) A person who proposes to carry out an extractive industry may apply to the Minister for a work authority.
- (2) The Minister must only grant the work authority if he or she is satisfied that the applicant has—
 - (a) a work plan approved under section 17; and
 - (b) entered into a rehabilitation bond under section 33; 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

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 20

(e) in the case where the applicant is not the owner of the land, obtained the consent of the owner of the land—

and that the proposed extractive industry will, if carried out in accordance with the work authority, comply with any relevant planning scheme.

(3) The owner of the land may consent to the carrying out of an extractive industry on the land for an unlimited period or for a specified period and unconditionally or subject to any specified conditions.

(4) The Minister may grant a work authority in respect of land owned by more than one person if each owner of the land has consented to the carrying out of an extractive industry on the land owned by that person.

S. 19(4)
inserted by
No. 84/2003
s. 9(1).

20. Conditions of work authorities

The Minister may impose conditions to which a 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.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 21

21. Period of work authority

- (1) A work authority granted under section 19 must describe the land in respect of which the work authority is granted.
- (2) A 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) the land owner's consent (if required) is revoked, lapses or otherwise ceases to have effect; or
 - (c) it is varied under section 22.
- (3) Despite sub-section (2)(b), if a work authority has been granted in respect of land owned by more than one person and the consent of one of those persons is revoked, lapses or otherwise ceases to have effect, the work authority continues to remain in force in accordance with sub-section (2) in respect of the land owned by the other persons.

S. 21(3)
inserted by
No. 84/2003
s. 9(2).

22. Variation of a work authority

- (1) The Minister may, by instrument served on the holder of the work authority, vary the work authority, or vary, suspend or revoke a condition of the work authority or add a new condition.
- (2) The Minister may act under sub-section (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 work authority applies; or

S. 22(2)(b)
amended by
No. 84/2003
s. 10(a).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 23

S. 22(2)(c)
inserted by
No. 84/2003
s. 10(b).

(c) if the Minister decides it is necessary for ensuring the safety of workers and the public.

(3) The Minister must not act under sub-section (1) unless he or she has consulted with—

S. 22(3)(a)
amended by
No. 76/1998
s. 22(f)(i).

(a) the holder of the work authority and the municipal council in whose municipal district the land is situated;

S. 22(3)(b)
repealed by
No. 76/1998
s. 22(f)(ii).

* * * * *

23. Transfer of a work authority

(1) The holder of a 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 a work authority if—

(a) the person to whom the 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 work authority is adequate.

S. 23(3)
inserted by
No. 84/2003
s. 11.

(3) If the Minister is not satisfied that the work plan relating to the work authority is adequate, the Minister may consent to the transfer of the work authority subject to the person to whom the 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.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 24

24. Cancellation of a work authority

- (1) The Minister may cancel a work authority by instrument served on the holder of the work authority if—
- (a) the Minister has given the holder 28 days written notice of his or her intention to cancel the work authority and has, in the notice, requested the holder to provide reasons why the work authority should not be cancelled; and
 - (b) at the end of 28 days the Minister is satisfied that the holder—
 - (i) has not substantially complied with—
 - (A) this Act or the regulations; or
 - (B) any condition to which the authority is subject; or
 - (C) any relevant planning scheme or planning permit; or
 - (ii) has endangered an employee or a member of the public on or near land to which the work authority applies; or
 - (iii) has undertaken work on the land other than in accordance with the work plan.

* * * * *

S. 24(2)
substituted by
No. 52/1998
s. 311(Sch. 1
item 29.3),
repealed by
No. 84/2003
s. 12.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 24A

S. 24A
inserted by
No. 84/2003
s. 13.

24A. Review of certain decisions about work plans and authorities

- (1) The holder of a work authority may apply to the Tribunal for review of—
 - (a) a decision of the Department Head under section 17(6)(a) to approve a work plan relating to that authority with conditions; or
 - (b) a decision of the Department Head under section 18(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 work authority under section 20; or
 - (d) a decision of the Minister to vary a condition of the work authority under section 22 or impose a new condition under that section; or
 - (e) a decision of the Minister under section 23 to impose a new condition on the work authority that the Minister has consented to be transferred to another person under that section.
- (2) The former holder of a work authority may apply to the Tribunal for review of a decision of the Minister to cancel the work authority under section 24.
- (3) Sub-section (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—
 - (a) the condition is substantially the same as a condition of the relevant planning scheme or the issue of 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 4—Planning Requirements

25. 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 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 (6) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under sub-section (1).
- (3) Section 39(7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under sub-section (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 sub-section (1) as if—
- (a) the expression "Except for an application under this section," were deleted; and
-

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 26

(b) before "Division 1" there was inserted "section 12(1) or".

(5) Nothing in this section prevents either House of Parliament exercising its power under section 38 of the **Planning and Environment Act 1987**.

Division 5—Mineral Resources

26. Land subject to a mining licence

(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 must—

(a) lodge a copy of the application with the Department Head; and

(b) send a copy of the application to the holder of any licence under the **Mineral Resources Development Act 1990** relating to land or any part of the land to which the application applies—

on the same day that the applicant lodges the application with the responsible authority.

(2) The applicant for a work authority must forward to the Minister—

(a) a copy of any consent to the granting of a 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 a work authority, evidence that the applicant has given the licensee at least 28 days written notice of the Minister's intention to grant the work authority.

S. 26
amended by
No. 76/1998
s. 22(g),
substituted by
No. 84/2003
s. 14.

-
- (3) If land is the subject of a licence under the **Mineral Resources Development Act 1990**, the Minister must not grant a work authority over the land unless the Minister is satisfied that—
- (a) the licensee has consented to the granting of a work authority; or
 - (b) if the licence is an exploration licence, the licensee is unreasonably withholding that consent and the applicant for the work authority has given the licensee at least 28 days written notice of the Minister's intention to grant the work authority.

27. Compensation for mining exploration or work

- (1) A person who is the holder of a current work authority who is not the owner of the land to which the authority applies is deemed to be an occupier of the land for the purposes of section 85 of the **Mineral Resources Development Act 1990**.
- (2) The holder of a work authority referred to in subsection (1) is only entitled to compensation under section 85 of the **Mineral Resources Development Act 1990** 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.

Division 6—Royalties

28. Royalties

- (1) The holder of a work authority relating to an extractive industry 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

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 29

(b) prescribed, if not specified in the work authority—

unless the Minister decides to waive or vary the royalties under sub-section (2).

- (2) The Minister may waive the requirement for any holder of a 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 a 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.

Division 7—Compensation

29. Compensation

- (1) The Crown must compensate the owner or occupier of any land in respect of which a search authority was granted under section 13 for damage sustained by the owner or occupier to crops or improvements, including permanent artificial water supply, by reason of any operation 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 agreed on by the Crown and the owner or occupier (as the case may be) or, in default of agreement, as is determined by the Magistrates' Court in accordance with sub-section (6).
- (3) The Crown may treat and agree with the owner or occupier with respect to the amount of compensation to be paid.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 2—Authorisations and Permits

s. 30

-
- (4) An agreement is not valid unless it is in writing signed by the parties and a copy is lodged with the Secretary.
 - (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.

30. Measure of compensation

Compensation payable under section 29 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.
-

PART 3—REHABILITATION

S. 31
amended by
No. 76/1998
s. 22(g).

31. Holder of work authority must rehabilitate land

The holder of a work authority must rehabilitate land in accordance with the rehabilitation plan approved by the Department Head, the conditions in the authority and the requirements of the relevant planning scheme and any planning permit.

32. Rehabilitation plan

A rehabilitation plan must—

- (a) take into account—
 - (i) any special characteristics of the land; and
 - (ii) the surrounding environment; and
 - (iii) the need to stabilise the land; and
 - (iv) the desirability or otherwise of returning agricultural land to a state that is as close as is reasonably possible to its state before the work authority was granted; and
 - (v) the need to protect or conserve native vegetation and protected flora and fauna; and
- (b) be prepared by the applicant for the work authority after consultation with the owner of the land, if the land is private land.

S. 32(b)
substituted by
No. 76/1998
s. 22(h).

33. Rehabilitation bond

- (1) The applicant for a work authority must enter into a rehabilitation bond for an amount determined by the Minister.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 3—Rehabilitation

s. 33

(2) The condition of a rehabilitation bond is that the holder of the work authority rehabilitates the land as required by section 31 to the satisfaction of the Minister.

S. 33(2)
amended by
No. 76/1998
s. 22(i)(i).

* * * * *

S. 33(2)(a)(b)
repealed by
No. 76/1998
s. 22(i)(i).

(3) The Minister may, at any time after a rehabilitation bond is entered into and after consultation with the holder of the work authority by notice served on the holder of the work authority, require the holder of the work authority to enter into a further rehabilitation bond for an amount determined by the Minister if he or she is of the opinion that the amount of the bond already entered into is insufficient.

(4) The Minister must, before determining the amount of a rehabilitation bond under sub-section (1) or any further rehabilitation bond under sub-section (3)—

* * * * *

S. 33(4)(a)
repealed by
No. 76/1998
s. 22(i)(ii).

(b) if the land is private land, consult with the council in whose municipal district the land is situated.

(5) The Minister may serve on a holder of the work authority who has not complied with a requirement under sub-section (3), within 1 month after service of notice of the requirement, a notice prohibiting the holder of the work authority from carrying out any work until the holder of the work authority has entered into the further rehabilitation bond.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 3—Rehabilitation

s. 34

-
- (6) The holder of the work authority must comply with a notice under sub-section (5).
Penalty: 200 penalty units.
- (7) The Minister may enter into a single rehabilitation bond with a person applying for a work authority who holds or, if the application is successful, will hold 2 or more work authorities dealing with separate areas of land.
- (8) The Minister may, at the request of the holder of 2 or more work authorities—
- (a) return the rehabilitation bonds which relate to those work authorities; and
 - (b) enter into a single rehabilitation bond dealing with the separate areas of land to which those work authorities relate.
- (9) The Minister must not enter into a single rehabilitation bond over land the subject of 2 or more work authorities if any of that land is Crown land unless the Ministers administering the **Conservation, Forests and Lands Act 1987** have consented to the entering into of such a bond.

34. Rehabilitation

The holder of a work authority must rehabilitate the land in the course of doing work and must, as far as practicable, complete the rehabilitation of the land before the work authority ceases to apply to that land.

35. Return of bond if rehabilitation satisfactory

- (1) The Minister must return the bond or bonds to the holder of the work authority or former holder of the work authority as soon as possible if the Minister—

S. 35(1)
amended by
No. 76/1998
s. 22(j).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 3—Rehabilitation

s. 35

* * * * *

S. 35(1)(a)(b)
repealed by
No. 76/1998
s. 22(j).

is satisfied—

- (c) that the land has been rehabilitated as required by section 31; and
 - (d) that the rehabilitation is likely to be successful.
- (2) If the land is private land the Minister must not return the bond or bonds to the holder or former holder of a work authority until after the owner of the land and the council in whose municipal district the land is situated have been consulted.
- (3) The Minister may, as a condition of returning a bond or bonds to the holder of a work authority or the former holder of a work authority, require that holder to enter into a further rehabilitation bond if any land or part of the land to which the bond relates has not been rehabilitated or requires further rehabilitation.

36. Minister may carry out additional rehabilitation

- (1) The Minister may take any necessary action to rehabilitate land if he or she—
- (a) is not satisfied that the land has been rehabilitated as required by section 31; or
 - (b) is satisfied that further rehabilitation of the land is necessary; or
 - (c) is requested to do so by the owner of the land.
- (2) The Minister must, if he or she refuses to act on a request under sub-section (1)(c), inform the owner of the land of the reasons for that refusal.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 3—Rehabilitation

s. 37

-
- (3) The Minister may only take action under sub-section (1) if he or she has requested the holder of the work authority or former holder of the work authority to rehabilitate the land and the holder of the work authority or former holder of the work authority has failed to do so within a reasonable period after the request.
 - (4) The Minister may recover as a debt due to the Crown in a court of competent jurisdiction any amount by which the cost incurred under sub-section (1) exceeds the amount of the bond or bonds.
 - (5) The Minister must, if satisfied that no further rehabilitation of the land is likely to be necessary, return to the holder of the work authority or former holder of the work authority as soon as possible any balance of the bond or bonds after any cost incurred under sub-section (1) is deducted.
 - (6) The Minister must return to the holder of the work authority or the former holder of the work authority as soon as possible after the end of the period of 6 years after the work authority ceased to be in force any part of the amount of the bond or bonds that has not been returned or spent under sub-section (1).

37. Payment out of Consolidated Fund

Any money required by the Minister under this Part is payable out of the Consolidated Fund, which is appropriated to the necessary extent.

PART 4—QUARRY MANAGERS

38. Manager must be appointed

- (1) The holder of a work authority must not carry out any extractive industry unless the person has appointed a quarry manager or a person to manage the extractive industry operation who—
- (a) holds a quarry manager's certificate issued under section 39; or
 - (b) is approved by the Department Head as having the appropriate qualifications, experience or training to manage the extractive industry operation.

S. 38(1)(b)
amended by
No. 76/1998
s. 22(k).

Penalty: 50 penalty units.

- (2) A person must not operate a quarry unless the person has appointed a quarry manager to manage the quarry who—
- (a) holds a quarry manager's certificate issued under section 39; or
 - (b) is approved by the Department Head as having the appropriate qualifications, experience or training to manage the quarry.

S. 38(2)(b)
amended by
No. 76/1998
s. 22(k).

Penalty: 50 penalty units.

39. Application for quarry manager's certificate

- (1) A person may apply to the Department Head in the prescribed manner for a quarry manager's certificate.
- (2) The Department Head may, on the recommendation of the Chief Inspector of Quarries, grant a certificate if he or she is satisfied that the applicant—
- (a) has paid the prescribed application fee; and

S. 39(1)
amended by
No. 76/1998
s. 22(k).

S. 39(2)
amended by
No. 76/1998
s. 22(k).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 4—Quarry Managers

s. 39

- (b) has appropriate qualifications and experience; and
 - (c) has satisfactory knowledge, training or experience in quarry practice or extractive industry operations; and
 - (d) has adequate knowledge of this Act and the regulations and any other relevant legislation; and
 - (e) if relevant, is qualified in accordance with the regulations to administer first-aid; and
 - (f) if relevant, is qualified in accordance with the regulations to use explosives.
- (3) A quarry manager's certificate—
- (a) authorises the person to whom it is granted to manage the quarry or class of quarry or the extractive industry operation or class of extractive industry operation specified in the certificate; and
 - (b) remains in force until cancelled under section 40(3); and
 - (c) is subject to any conditions that are prescribed and to any other conditions specified in the certificate.
- (4) A person may apply to the Tribunal for review of a decision by the Department Head not to grant him or her a quarry manager's certificate or to make a quarry manager's certificate subject to a condition other than a prescribed condition.
- (5) The Department Head must keep a register of the names of holders of certificates and the classes of quarries or extractive industry operations specified in the certificates.

S. 39(4)
amended by
Nos 52/1998
s. 311(Sch. 1
item 29.4),
76/1998
s. 22(k).

S. 39(5)
amended by
No. 76/1998
s. 22(k).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 4—Quarry Managers

s. 40

40. Inquiry by panel

- (1) If an inspector reports to the Department Head that the holder of a quarry manager's certificate—
- (a) is incapable, incompetent or unfit to manage a quarry or extractive industry operation; or
 - (b) has contravened this Act or the regulations, whether or not he or she has been charged with or convicted of an offence arising out of the contravention—

S. 40(1)
amended by
No. 76/1998
s. 22(k).

the Department Head may appoint a panel to inquire into the matter in accordance with the regulations.

- (2) A panel must consist of—
- (a) a person nominated by the Department Head as chairperson; and
 - (b) an officer of the Department who has experience in quarry practice or extractive industry operations; and
 - (c) a person who has experience as a quarry manager or as the manager of an extractive industry operation.
- (3) The panel may decide to cancel, suspend for a period specified by it or impose any conditions that it thinks fit on a quarry manager's certificate if it finds that the person to whom it was granted—
- (a) is incapable, incompetent or unfit to manage a quarry or an extractive industry operation; or
 - (b) has contravened this Act or the regulations.

S. 40(2)(a)
amended by
No. 76/1998
s. 22(k).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 4—Quarry Managers

s. 40

S. 40(4)
amended by
No. 52/1998
s. 311(Sch. 1
item 29.4).

-
- (4) The holder or former holder of the quarry manager's certificate may apply to the Tribunal for review of a decision by a panel under this section.
-

PART 5—ENFORCEMENT

Division 1—Inspectors

41. Employment of inspectors

- | | |
|---|---|
| (1) There may be employed under Part 3 of the Public Sector Management and Employment Act 1998 —
<p style="margin-left: 40px;">(a) a Chief Inspector of Quarries; and
(b) any inspectors of quarries that are necessary for the purposes of this Act.</p> | S. 41(1)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 10)). |
| (2) A person must not be employed under sub-section (1)(b) unless he or she has appropriate qualifications and experience. | S. 41(2)
amended by
No. 46/1998
s. 7(Sch. 1). |
| (3) A person must not be employed under sub-section (1)(a) unless he or she has appropriate qualifications, training or experience to manage and oversee the day to day operations of this Act. | S. 41(3)
amended by
No. 46/1998
s. 7(Sch. 1). |
| (4) The Chief Inspector of Quarries has all the powers of an inspector. | |
| (5) The Department Head must issue an identification certificate to each inspector. | S. 41(5)
amended by
No. 76/1998
s. 22(k). |
| (6) An inspector must in the course of performing his or her functions under this Act produce his or her identification certificate to anyone who requests its production. | |

42. Delegation by Chief Inspector of Quarries

The Chief Inspector of Quarries may, by instrument—

- (a) delegate to an inspector any power of the Chief Inspector of Quarries; or

- (b) delegate to any person holding an office in the public service any power of an inspector—

other than this power of delegation.

43. Powers of inspectors

- (1) An inspector may for the purpose of ascertaining whether or not the provisions of this Act or the regulations have been or are being complied with—
- (a) enter, inspect and examine at all reasonable times by day or night any quarry or any place where the inspector reasonably believes an extractive industry is being carried out which the inspector considers it necessary to enter, inspect and examine for that purpose;
 - (b) enter any quarry at any time when the inspector is under this Act or the regulations requested or required to attend at the quarry;
 - (c) in accordance with this section, take such equipment or materials as may be required;
 - (d) make such examination and inquiry as may be necessary to ascertain whether or not this Act or the regulations have been complied with;
 - (e) examine any plant, substance or other thing whatsoever at the quarry;
 - (f) in accordance with this section, take or remove without payment any samples of any such substance or thing that may be required for analysis;
 - (g) in accordance with this section, take possession of any such plant or thing for further examination or testing or for use as evidence;

-
- (h) take photographs or measurements or make sketches or recordings;
 - (i) require the production of, examine and take copies of any document or any part of any document;
 - (j) direct that the quarry or any part of the quarry be left undisturbed for any period not exceeding 48 hours that the inspector considers necessary;
 - (k) require a person to whom this paragraph applies to state his or her full name and address and to produce evidence of its correctness if the inspector suspects on reasonable grounds that a name or address so stated is false;
 - (l) exercise any other powers that may be necessary or that are conferred upon the inspector by this Act or the regulations.
- (2) Sub-section (1)(k) applies to—
- (a) a person found committing an offence against this Act or the regulations; and
 - (b) a person whom the inspector believes on reasonable grounds has committed an offence against this Act or the regulations; and
 - (c) a person whose name and address are in the opinion of the inspector reasonably required.
- (3) An inspector may not take samples of a substance or thing or seize any equipment or materials or take possession of any plant or thing that appears to the inspector to be in the possession or custody of a person unless the inspector makes out and tenders to the person a receipt in the prescribed form for the sample taken or plant, substance, materials or thing seized.
-

Extractive Industries Development Act 1995
Act No. 67/1995

Part 5—Enforcement

s. 44

-
- (4) An inspector must not exercise any powers under this section if the inspector fails to produce, on request, his or her identity card for inspection by the occupier of the quarry or place.
 - (5) If an inspector proposes to take a sample, the inspector must—
 - (a) advise the owner, if possible, prior to taking the sample that it is obtained for the purpose of analysis; and
 - (b) divide the sample into 3 parts and give 1 part to the owner, send 1 part for analysis and retain 1 part untouched for future comparison.
 - (6) The holder of a work authority and the quarry manager must allow an inspector access to the quarry and give the inspector any assistance that he or she may require to enable him or her to carry out his or her duties.

44. Offence to obstruct inspector, etc.

- (1) A person must not—
 - (a) wilfully assault, obstruct or attempt to obstruct, threaten, intimidate or attempt to intimidate an inspector in the exercise of the inspector's powers or the discharge of the inspector's duties; or
 - (b) contravene or fail to comply with any lawful requirement of an inspector; or
 - (c) refuse or neglect, when required by this Act to do so, to render assistance or furnish information to an inspector; or
 - (d) when required by an inspector to state his or her full name and address—
 - (i) fail to do so; or
 - (ii) state a false name or address; or
-

- (e) make to an inspector exercising a power or discharging a duty under this Act a statement knowing it to be false or misleading in any particular.

Penalty: 200 penalty units.

- (2) A reference in sub-section (1) to an inspector includes a reference to a person acting under an instrument of delegation under section 42(b).

Division 2—Quarrying Infringements

45. Quarrying 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 to be an offence to which this Division applies may, in accordance with the regulations, serve on that person an infringement notice.
- (2) An infringement notice must be in the prescribed form and must contain the prescribed particulars.
- (3) An infringement notice may be withdrawn, whether the appropriate penalty has been paid or not, at any time within 28 days after the service of the notice, by serving on the alleged offender, in accordance with the regulations, a withdrawal notice which is in the prescribed form.
- (4) If the appropriate amount specified in the notice as the penalty for the infringement has been paid before the notice is withdrawn, the amount so paid must be refunded on the notice of withdrawal being given.
- (5) The penalty for the purposes of this section in respect of an infringement is the amount prescribed in respect of that infringement.

46. Payment of penalty

- (1) If before the end of the period specified in the infringement notice for the payment of the penalty or, where the inspector giving the notice so allows, at any time before the service of a summons in respect of the infringement, the amount of the penalty specified in the notice is paid at the place so specified then, subject to subsection (4)—
 - (a) the offender must be taken to have expiated the infringement by payment of the penalty; and
 - (b) no further proceedings may be taken in respect of the infringement; and
 - (c) a conviction for the infringement must not be regarded as having been recorded.
 - (2) Every penalty paid under this section must be applied in the same manner as if the offender had been convicted of the infringement in the Magistrates' Court on a charge filed by the inspector who served the infringement notice or caused it to be served.
 - (3) Payment of any penalty under this section may be effected in accordance with the regulations.
 - (4) Proceedings for an infringement may be brought if an infringement notice served in respect of the infringement is withdrawn or the penalty specified in it is not paid before the end of the period specified in it for payment.
 - (5) In a proceeding for an infringement if the court is satisfied that an infringement notice was served in respect of the infringement and has not been withdrawn, the conviction imposed by the court must not be taken to be a conviction for any purpose (including, but not limited to, the purposes of any enactment imposing, authorising
-

or requiring the imposition of any disqualification, disability or higher penalty on convicted persons or persons convicted on more than one occasion) except in relation to—

- (a) the making of the conviction itself, and
- (b) any subsequent proceedings which may be taken in respect of the conviction itself, including proceedings by way of appeal.

47. Proof of prior convictions

- (1) If a person is served with a summons for an infringement and it is alleged that the person has been previously convicted of any infringement or infringements there may be served with the summons a separate document in the prescribed form signed by the informant setting out particulars of the alleged prior convictions.
- (2) The document setting out the alleged prior convictions—
 - (a) must be endorsed with a notice in the prescribed form; and
 - (b) may be served in any manner in which the summons for the infringement may be served.
- (3) If the court by which any person has been convicted is satisfied that a copy of any such document was served on that person at least 14 days before the hearing of the charge, the document is admissible in evidence and, in the absence of evidence to the contrary, is proof—
 - (a) that the person was convicted of the offences alleged in the document; and
 - (b) of the particulars relating to the convictions set out in the document.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 5—Enforcement

s. 48

-
- (4) Any such document may not be tendered in evidence without the consent of the defendant if the defendant is present at the hearing of the charge.
 - (5) If any evidence of prior convictions is tendered under this section, the court may set aside, on any terms as to costs or otherwise that the court decides, any conviction or order if it has reasonable grounds to believe that the document tendered in evidence was not in fact brought to the notice of the defendant or that the defendant was not in fact convicted of the offences as alleged in the document.
 - (6) Sub-section (5) does not limit the generality of Division 5 of Part 4 of the **Magistrates' Court Act 1989**.

Division 3—Enforcement

48. Order to cease work, etc.

- (1) The Minister may, in the circumstances referred to in sub-section (2), by notice served on the holder of a work authority or the manager of the place where the extractive industry is being carried out under the work authority—
 - (a) require the taking within a specified period of any action necessary to remedy the contravention or non-compliance; or
 - (b) prohibit the doing of any work or any class of work in the quarry or place or any part of the quarry or place for a specified period or until the occurrence of a specified event.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 5—Enforcement

s. 48

-
- (2) Sub-section (1) applies if the Minister is satisfied that the holder of the work authority—
- (a) has contravened this Act or the regulations;
or
 - (b) has not complied with any condition to which the work authority is subject; or
 - (c) has not complied with any relevant planning scheme or any planning permit.

- (3) The holder of the work authority and the manager of the place where the extractive industry is being carried out under the work authority must comply with a notice under sub-section (1).

Penalty: 200 penalty units.

- (4) A person whose interests are affected by a decision of the Minister to serve a notice under sub-section (1) may apply to the Tribunal for review of the decision.

S. 48(4)
substituted by
No. 52/1998
s. 311(Sch. 1
item 29.5).

- (4A) An application for review must be made within 28 days after the later of—

S. 48(4A)
inserted by
No. 52/1998
s. 311(Sch. 1
item 29.5) (as
amended by
No. 101/1998
s. 22(1)(e)).

- (a) the day on which the notice is served;
- (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision to serve the notice, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

- (5) The Minister may, by notice served on the holder of the work authority or the manager of the place where the extractive industry is being carried out under the work authority, cancel a notice under sub-section (1).

Extractive Industries Development Act 1995
Act No. 67/1995

Part 5—Enforcement

s. 49

S. 49
amended by
No. 84/2003
s. 16(a).

49. Obtaining consent or authority dishonestly

A person must not by any false statement, misrepresentation or other dishonest means, obtain or attempt to obtain a consent under section 11 or work authority.

Penalty: 100 penalty units.

S. 50
(Heading)
inserted by
No. 44/2001
s. 3(Sch.
item 41.1).

50. Offences by bodies corporate

S. 50(1)
substituted by
No. 44/2001
s. 3(Sch.
item 41.2).

(1) In this section, "**officer**" of a body corporate has the same meaning as in section 82A of the Corporations Act except that it does not include an employee of the body corporate.

S. 50(2)
amended by
No. 44/2001
s. 3(Sch.
item 41.3).

(2) If a body corporate is guilty of an offence against this Act or a regulation, any officer of the body corporate who was in any way, by act or omission, knowingly concerned in or party to the commission of the offence is also guilty of that offence and liable to the penalty for that offence.

S. 50(3)
amended by
No. 44/2001
s. 3(Sch.
item 41.3).

(3) If in a proceeding for an offence against this Act or a regulation it is necessary to establish the intention of a body corporate, it is sufficient to show that a servant or agent of the body corporate had that intention.

S. 50(4)
amended by
No. 44/2001
s. 3(Sch.
item 41.3).

(4) A statement made by an officer of a body corporate is admissible as evidence against the body corporate in any proceeding against the body corporate for an offence against this Act or a regulation.

PART 6—MISCELLANEOUS

50A. Application for declaration

S. 50A
inserted by
No. 52/1998
s. 311(Sch. 1
item 29.6).

- (1) A person may apply to the Tribunal for a declaration concerning the validity of a decision referred to in section 12(6), 24A(2) or 48(4).
- (2) On an application under sub-section (1) the Tribunal may make any declaration it thinks appropriate in the circumstances.
- (3) The Tribunal's power to make a declaration under this section is exercisable only by a presidential member of the Tribunal.

S. 50A(1)
amended by
No. 84/2003
s. 16(b).

51. Occupiers liability

- (1) For the purposes of Part IIA of the **Wrongs Act 1958** and the rules of common law with respect to the liability of occupiers to persons entering on their premises, the holder of a work authority is the occupier of that part of any premises which the holder occupies exclusively on which work is being done under a work authority and not any other person.
- (2) An occupier of any premises covered by a work authority does not, unless the occupier is also the holder of the work authority, owe a duty to take care of any person entering on those premises for the purpose of doing work under the work authority.
- (3) Sub-section (2) applies despite anything to the contrary in Part IIA of the **Wrongs Act 1958** or the rules of common law with respect to the liability of an occupier to a person entering on the occupier's premises.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 6—Miscellaneous

s. 52

- (4) Nothing in sub-section (2) limits any other duty owed by an occupier to a person entering on the occupier's premises in the circumstances described in that sub-section.

52. Holder of work authority or consent must supply information

- (1) The holder of a work authority must in the prescribed form and at the prescribed times furnish to the Minister the prescribed information relating to work done under the work authority.

Penalty: 50 penalty units.

- (2) The holder of a consent under section 11 must in the prescribed form and at the prescribed times furnish to the Minister the prescribed information relating to any surveys and other operations authorised by the consent.

Penalty: 50 penalty units.

- (3) A document furnished under sub-section (1) or (2) is the property of the Crown and may be made available by the Minister for inspection by the public at any time after the work authority or consent under section 11 ceases to be in force.

S. 52(2)
amended by
No. 84/2003
s. 16(a)(c).

S. 52(3)
amended by
No. 84/2003
s. 16(a).

53. Secrecy

- (1) This section applies to a person who has at any time—
- (a) exercised a power or discharged a function under this Act or the regulations; or
 - (b) been employed for the purposes of, or in connection with, the administration of this Act.

S. 53(2)
amended by
No. 84/2003
s. 16(a).

- (2) A person to whom this section applies must not divulge or communicate to any person or publish any information obtained by him or her in the course of his or her official duties from the holder

Extractive Industries Development Act 1995
Act No. 67/1995

Part 6—Miscellaneous

s. 54

of a work authority or consent under section 11 unless the divulgence, communication or publication is made—

- (a) with the written consent of the holder of the work authority or consent under section 11 or the Minister; or
- (b) in connection with the administration of this Act; or
- (c) for the purpose of any legal proceedings under this Act.

S. 53(2)(a)
amended by
No. 84/2003
s. 16(a).

Penalty: 200 penalty units.

- (3) The Minister may only consent under subsection (2)(a) if he or she is of the opinion that the holder of the work authority or consent under section 11 is unreasonably withholding consent.

S. 53(3)
amended by
No. 84/2003
s. 16(a).

54. Delegation

- (1) The Minister may, by instrument, delegate to the Department Head or any employee in the Department any power of the Minister under this Act or the regulations, other than this power of delegation.
- (2) The Department Head may, by instrument, delegate to any employee in the Department any power of the Department Head under this Act or the regulations, other than this power of delegation and a power delegated to him or her by the Minister.

S. 54(1)
amended by
No. 76/1998
s. 22(1)(i)(ii).

S. 54(2)
amended by
No. 76/1998
s. 22(1)(i)(ii).

55. Service of documents

- (1) If by or under this Act a document is required or permitted to be served on a person then, unless otherwise provided by this Act, the document may be served—
 - (a) by delivering it personally to the person to be served; or

Extractive Industries Development Act 1995
Act No. 67/1995

Part 6—Miscellaneous

s. 55

-
- (b) by leaving it at that person's usual or last known place of residence with a person apparently over the age of 16 years and apparently residing there; or
 - (c) by sending it by post addressed to the person to be served at that person's usual or last known place of residence; or
 - (d) in the case of service on an owner of any land or premises whose name and address are not known to the server, by serving it on the occupier of the land or premises concerned in accordance with paragraph (a) or (b) or, if there is no occupier, by posting it up on a conspicuous part of the land or premises; or
 - (e) in the case of service on an occupier of any land or premises whose name and address are not known to the server, by posting it up on a conspicuous part of the land or premises.
- (2) A document that is to be served on the owner or occupier of any land or premises may be addressed by the description of "the owner" or "the occupier" of the land or premises concerned (naming it or them), without further name or description.
- (3) The provisions of this section are additional to and do not take away from the provisions of section 109X of the Corporations Act.
- (4) If a document is properly served on the owner or occupier of any land or premises, that service is binding on every subsequent owner or occupier to the same extent as if it had been served on that subsequent owner or occupier.

S. 55(3)
amended by
No. 44/2001
s. 3(Sch.
item 41.4).

56. Regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) the rate or method of assessment, and the times of payment, of royalties;
 - (b) any procedures for an inquiry under Part 4;
 - (c) the health and safety of members of the public in relation to quarrying or work done under a work authority;
- * * * * *
- (f) the use of electricity in quarries;
 - (g) requiring the payment of fees for anything done under this Act or the regulations and prescribing those fees;
 - (h) requiring that any information required by the Act or the regulations be in the form of, or be supported by, a statutory declaration;
 - (i) generally, any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) A power conferred by this Act to make regulations may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and

S. 56(1)(d)(e)
repealed by
No. 26/2000
s. 31.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 6—Miscellaneous

s. 56

-
- (b) so as to make, with respect to the cases in relation to which the power is exercised—
- (i) the same provision for all cases in relation to which the power is exercised, or different provisions for different cases or classes of case, or different provisions for the same case or class of case for different purposes; or
 - (ii) any such provision either unconditionally or subject to any specified condition.
- (3) Regulations made under this Act may be made—
- (a) so as to apply—
 - (i) at all times or at a specified time; or
 - (ii) throughout the whole of the State or in a specified part of the State; or
 - (iii) as specified in both sub-paragraphs (i) and (ii); and
 - (b) so as to require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or a specified class of persons; or
 - (iii) as specified in both sub-paragraphs (i) and (ii); and
 - (c) so as to apply, adopt or incorporate (with or without modification) any matter contained in any document as at the time the regulations are made or at any time before then; and
-

Extractive Industries Development Act 1995
Act No. 67/1995

Part 6—Miscellaneous

s. 56

-
- (d) so as to confer a discretionary authority or impose a duty on a specified person or a specified class of persons; and
 - (e) so as to provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified; and
 - (f) so as to impose a penalty not exceeding 20 penalty units for a contravention of the regulations and, in the case of a contravention of a continuing nature, a further penalty not exceeding 5 penalty units for each day during which the contravention continues after conviction.
- (4) Regulations made under sub-section (1)(c) must not be inconsistent with any provision of the **Dangerous Goods Act 1985** or the regulations made under that Act and any regulation made under that sub-section that is so inconsistent is, to the extent of the inconsistency, of no effect.
 - (5) Despite sub-section (3)(f), regulations made for the purposes of sub-section (1)(c), (d), (e) or (f) may be made so as to impose a penalty not exceeding 100 penalty units for a contravention of those regulations and, in the case of a contravention of a continuing nature, a further penalty not exceeding 40 penalty units for each day during which the contravention continues after conviction.
 - (6) The regulations are subject to disallowance by a House of the Parliament.
-

Extractive Industries Development Act 1995
Act No. 67/1995

Part 7—Repeals, Amendments, Savings and Transitionals

s. 57

**PART 7—REPEALS, AMENDMENTS, SAVINGS AND
TRANSITIONALS**

57. Repeal

No. 7499.

- (1) The **Extractive Industries Act 1966** is repealed.
- (2) Section 97 of the **Planning and Environment Act 1987** is repealed.

S. 58
repealed by
No. 11/2002
s. 3(Sch. 1
item 24.1).

* * * * *

59. Savings and transitionals

- (1) Schedule 2 contains saving and transitional provisions.
- (2) The provisions of Schedule 2 are in addition to and do not take away from the **Interpretation of Legislation Act 1984**.

S. 60
substituted by
No. 84/2003
s. 17.

60. Further transitionals—search consents

- (1) An application for a permit under section 11 that was made before the commencement of section 6 of the **Extractive Industries Development (Amendment) Act 2003** and for which no permit had been granted before that date is to be treated as if it were an application for a consent under section 11 as substituted by that Act.
- (2) A permit granted under section 11 that was in force immediately before the commencement of section 6 of the **Extractive Industries Development (Amendment) Act 2003** continues under and subject to this Act as if the permit were a consent granted under section 11 as substituted by that Act.

Extractive Industries Development Act 1995
Act No. 67/1995

Part 7—Repeals, Amendments, Savings and Transitionals

s. 60

-
- (3) A consent granted under section 12(2)(a) that was in force immediately before the commencement of section 6 of the **Extractive Industries Development (Amendment) Act 2003** continues under and subject to this Act as if the consent were a consent granted under section 12(1)(a) as substituted by that Act.
- (4) Any condition imposed under section 12(7) that was in force immediately before the commencement of section 6 of the **Extractive Industries Development (Amendment) Act 2003** continues under and subject to this Act as if the condition were a condition imposed under section 12(2) as substituted by that Act.
-

Extractive Industries Development Act 1995
Act No. 67/1995

Sch. 1

SCHEDULES

Sch. 1
amended by
No. 74/2000
s. 3(Sch. 1
item 45),
repealed by
No. 11/2002
s. 3(Sch. 1
item 24.2).

* * * * *

SCHEDULE 2

SAVINGS AND TRANSITIONALS

1. (1) A licence, lease or extraction permit under the **Extractive Industries Act 1966** that is in force immediately before the commencement of section 57 has effect, subject to this clause, as if it were a work authority under this Act subject to the same covenants, conditions, restrictions, limitations, reservations, exceptions or other provisions that applied immediately before that commencement except that it will continue to have effect for such period that the lessee, licensee or permittee complies with a relevant planning scheme or a planning permit and for such period as the owner of the land consents to the carrying out of the extractive industry.
 - (2) Despite any provision in the **Planning and Environment Act 1987** or any planning scheme if—
 - (a) a lease, licence or extraction permit referred to in sub-clause (1) ceases to have effect because the planning permit for the extractive industry specified a period in which the extractive industry must be completed and that period has elapsed; and
 - (b) an application for a new permit or a variation to the permit has been lodged with the responsible authority at least 6 months before the end of the period referred to in paragraph (a)—

the planning permit is deemed to remain in force for 12 months after the end of the period referred to in paragraph (a) or for any longer period that is determined by the Minister administering the **Planning and Environment Act 1987**.
 - (3) An application for the grant, issue or renewal of a licence, lease or extraction permit under the **Extractive Industries Act 1966** made before the commencement of section 57 and not determined at that commencement has effect as if it were an application for a work authority under this Act except that section 26 does not apply.
 - (4) A licence, lease or extraction permit under the **Extractive Industries Act 1966** referred to in sub-clause (1) continues in operation as if it were a work authority until the determination of an application for its renewal that, by
-

Extractive Industries Development Act 1995
Act No. 67/1995

Sch. 2

virtue of sub-clause (3), has effect as an application for a work authority.

- (5) An application for a variation of a lease or licence or a covenant or condition to which a lease is subject or a condition to which a licence is subject made before the commencement of section 57 and not determined at that commencement must be treated as though it were a request for a variation of a work authority made under section 22 at the request of the holder.

2. (1) A permit to search for stone on Crown land under the **Extractive Industries Act 1966** that is in force immediately before the commencement of section 57 has effect as though it were a search permit granted under section 11.

- (2) An application for the grant of a permit to search for stone on Crown land under the **Extractive Industries Act 1966** made before the commencement of section 57 and not determined at that commencement must be treated as if it were an application for a search permit under section 11.

3. (1) The person nominated under section 18(1)(a) of the **Extractive Industries Act 1966** to perform the duties of the Chief Inspector of Quarries immediately before the commencement of section 41 of this Act holds office as Chief Inspector of Quarries under and subject to this Act and the **Public Sector Management and Employment Act 1998** on and from that commencement without any further appointment.

- (2) A person nominated under section 18(1)(b) of the **Extractive Industries Act 1966** to perform the duties of an inspector of quarries immediately before the commencement of section 41 of this Act holds office as an inspector of quarries under and subject to this Act and the **Public Sector Management and Employment Act 1998** on and from that commencement without any further appointment.

4. A person who—

- (a) immediately before the commencement of section 57 was carrying out an extractive industry and was not at that date required to hold a lease or licence referred to in clause 1(1); and

- (b) is on that commencement required to hold a work authority granted under section 19—

is deemed on that commencement to hold a work authority granted under section 19—

Sch. 2 cl. 3(1)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 11)).

Sch. 2 cl. 3(2)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 11)).

Extractive Industries Development Act 1995
Act No. 67/1995

Sch. 2

-
- (c) in the case where the person was required to hold a lease, licence permit or authority for carrying out an extractive industry issued under any Act administered by the Ministers administering the **Conservation, Forests and Lands Act 1987**, for 12 months after that lease, licence, permit or authority is cancelled, expires or otherwise ceases to have effect; and
- (d) in any other case, until 12 months after that commencement—

and section 26 does not apply to that person if the person applies for a work authority before the end of that 12 month period.

5. (1) A person who holds a certificate of competency to manage or supervise and control the working of quarries issued by the Extractive Industries Board under the **Extractive Industries Act 1966** which was in force immediately before the commencement of section 57 is deemed to hold a quarry manager's certificate granted under section 39.
- (2) An application for a certificate of competency referred to in sub-clause (1) made before the commencement of section 57 and not determined at that commencement has effect as though it were an application to the Secretary under section 39.
6. (1) Divisions 3 and 4 of Part 4 and Parts 5 and 6 of the Extractive Industries Regulations 1989, as in force immediately before the commencement of section 56, continue in force as if made as regulations under section 56 and may be amended or revoked by regulations made under section 56.
- (2) Section 5 of the **Subordinate Legislation Act 1994** continues to apply to those regulations as being made on 29 August 1989.
7. A person, who immediately before the commencement of section 60(1), has obtained the authority of the Minister under section 17B of the **Extractive Industries Act 1966** to mine and sell any mineral is deemed to hold a mining licence and an authority to commence work under the **Mineral Resources Development Act 1990** and that licence and authority continue in force subject to that Act for such period as the authority under section 17B was granted.
-

Extractive Industries Development Act 1995
Act No. 67/1995

Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 1 June 1995

Legislative Council: 3 October 1995

The long title for the Bill for this Act was "A Bill to make further provision for extractive industries, to repeal the **Extractive Industries Act 1966**, to amend the **Planning and Environment Act 1987** and make consequential amendments to other Acts and for other purposes."

The **Extractive Industries Development Act 1995** was assented to on 17 October 1995 and came into operation as follows:

Sections 1–7, 60(1) and 60(2) on 17 October 1995: section 2(1);

Rest of Act on 1 June 1996: Special Gazette (No. 60) 31 May 1996 page 4.

Extractive Industries Development Act 1995
Act No. 67/1995

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Extractive Industries Development Act 1995** by Acts and subordinate instruments.

Victorian Plantations Corporation (Amendment) Act 1998, No. 35/1998

Assent Date: 19.5.98
Commencement Date: S. 14 on 26.6.98: Government Gazette 25.6.98 p. 1561
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998 (as amended by No. 12/1999)

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998 (as amended by No. 101/1998)

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 items 29.1–29.6) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998

Assent Date: 10.11.98
Commencement Date: S. 22 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Transfer of Land (Single Register) Act 1998, No. 85/1998

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 22) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Accident Compensation (Common Law and Benefits) Act 2000, No. 26/2000

Assent Date: 30.5.00
Commencement Date: S. 31 on 30.6.00: Special Gazette (No. 92) 27.6.00 p. 1
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Extractive Industries Development Act 1995
Act No. 67/1995

Endnotes

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 45) on 17.10.95: s. 2(2)(g)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 41) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Mineral Resources Development (Further Amendment) Act 2001, No. 71/2001

Assent Date: 7.11.01
Commencement Date: S. 3(2) on 8.11.01: s. 2
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Statute Law (Further Revision) Act 2002, No. 11/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. 1 item 24) on 24.4.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

National Parks (Marine National Parks and Marine Sanctuaries) Act 2002, No. 40/2002

Assent Date: 18.6.02
Commencement Date: S. 28 on 16.11.02: s. 2
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Fisheries (Amendment) Act 2003, No. 56/2003

Assent Date: 16.6.03
Commencement Date: S. 11(Sch. item 8) on 17.6.03: s. 2
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Catchment and Land Protection (Amendment) Act 2003, No. 61/2003

Assent Date: 2.9.03
Commencement Date: S. 35 on 5.1.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Extractive Industries Development Act 1995**

Extractive Industries Development Act 1995
Act No. 67/1995

Endnotes

Extractive Industries Development (Amendment) Act 2003, No. 84/2003

Assent Date: 11.11.03

Commencement Date: Ss 3–14, 16, 17 on 27.5.04: Government Gazette
27.5.04 p. 1364

Current State: This information relates only to the provision/s
amending the **Extractive Industries Development
Act 1995**

Extractive Industries Development Act 1995
Act No. 67/1995

Endnotes

3. Explanatory Details

No entries at date of publication.