

Version No. 004
Extractive Industries Development
Regulations 1996

S.R. No. 42/1996

Version incorporating amendments as at 1 July 2004

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Extractive Industries Development
Regulations 1996

S.R. No. 42/1996

Version incorporating amendments as at 1 July 2004

PART 1—PRELIMINARY

101. Objectives

The objectives of these Regulations are to—

- (a) provide for the payment of royalties for the extraction of stone from Crown land;
- (b) prescribe various fees, forms, procedures and other requirements relating to search permits, work authorities and quarry managers' certificates for extractive industries;
- (c) provide for infringement notices and prescribe penalties and various other matters authorised by the Act.

102. Authorising provisions

These Regulations are made under sections 11, 14, 16, 17, 18, 23, 28, 39, 45, 46, 47, 52, 56 and item 6(1) of Schedule 2 to the **Extractive Industries Development Act 1995**.

103. Commencement

These Regulations come into operation on 1 June 1996.

104. Definitions

In these Regulations "**the Act**" means the **Extractive Industries Development Act 1995**.

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Part 2—Consent to Search for Stone on Crown Land

r. 201

Pt 2
(Heading and
regs 201–204)
substituted as
Pt 2 (Heading
and reg. 201)
by S.R. No.
53/2004 reg. 5.

**PART 2—CONSENT TO SEARCH FOR STONE ON CROWN
LAND**

Reg. 201
substituted by
S.R. No.
53/2004 reg. 5.

201. Records and returns—Consent to search for stone

- (1) For the purposes of section 52(2) of the Act, the holder of a consent under section 11 of the Act must furnish to the Minister information relating to surveys and other operations authorised by the consent in the form of the records and return set out in Schedule 2 for the period between 1 July and the following 30 June of each year.
- (2) The holder must furnish the information required by sub-regulation (1) to the Minister within 4 weeks after the end of the period for which it is required to be completed.

PART 3—WORK PLANS AND WORK AUTHORITIES

301. Work plan for work authorities

- (1) A person who lodges a work plan under section 17 of the Act must ensure that it contains the information described in Schedule 3.
- (2) An application for approval of a variation to a work plan under section 18 of the Act must contain the information in Schedule 3 that relates to the proposed variation.
- (3) A person who lodges a work plan under section 17 of the Act or an application for the variation of a work plan under section 18 of the Act must also pay the fee shown in Schedule 1 at the time of lodging.

302. Application for a work authority

A person who lodges an application for a work authority under section 19 of the Act must also pay the relevant fee shown in Schedule 1 at the time of lodging.

303. Application to vary a work authority

A person who requests that the Minister vary a work authority under section 22 of the Act must also pay the relevant fee shown in Schedule 1 at the time of making the request.

304. Application to transfer a work authority

A person who applies for the consent of the Minister for the transfer of a work authority must also pay the fee shown in Schedule 1 at the time of the application.

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Part 3—Work Plans and Work Authorities

r. 305

305. Records and returns—work authorities

Reg. 305(1)
substituted by
S.R. No.
53/2004 reg. 6.

- (1) For the purposes of section 52(1) of the Act, the holder of a work authority must furnish to the Minister—
 - (a) information relating to work done under the authority in the form of the records and return set out in Schedule 4 for the period between 1 July and the following 30 June of each year; and
 - (b) a summary of statistics of injuries relating to work done under the authority for the periods of 1 January and 30 June and 1 July to 31 December in each year.

Reg. 305(1A)
inserted by
S.R. No.
53/2004 reg. 6.

- (1A) The holder must furnish the information required by sub-regulation (1) to the Minister within 4 weeks after the end of the period for which it is required to be completed.

- (2) The holder of a work authority must ensure that a return or summary submitted under sub-regulation (1) is accompanied by a statutory declaration signed by the holder of the authority which verifies that the contents of the return or summary are true and accurate.

Penalty applying to this sub-regulation: 20 penalty units.

306. Inspections

- (1) An inspector who has inspected a quarry may provide or, at the request of the manager of the quarry, must provide to the manager a report of his or her findings as to the extent of compliance with the Act and these Regulations.

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Part 3—Work Plans and Work Authorities

r. 307

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- (2) If an inspector carries out an inspection of a quarry the holder of the work authority must pay the inspection fee in Schedule 1 but is only liable to pay the inspection fee for the first inspection in any year.

307. Certain information to be kept at the quarry

The holder of a work authority and the owner of a quarry must take all reasonable steps to ensure that a copy of the authority and any conditions that attach to the authority and any approved work plan are kept at the quarry or any place where an extractive industry is being carried out for the use and information of the manager of the quarry or the person who manages the extractive industry operation.

Penalty: 10 penalty units.

PART 4—ROYALTIES

401. Calculation of royalties

Unless otherwise specified in a work authority or waived or varied under section 28 of the Act, royalty is assessable with respect to stone extracted from Crown land—

- (a) upon that stone being sold or otherwise removed from the land in respect of which a work authority is granted; or
- (b) if that stone is intended for use in the manufacture of concrete, asphalt, bricks, tiles or cement products on the same site where the stone is extracted, upon that stone being excavated—

at the appropriate rate specified in Schedule 5.

402. Alcoa land

Unless otherwise specified in a work authority, a holder of a work authority must pay royalty in accordance with regulation 401 and at the appropriate rate specified in Schedule 5 if stone is removed under a work authority in respect of 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**.

403. Time of payment of royalties

- (1) Unless otherwise specified in a work authority, royalties are payable—
 - (a) for the period of 12 months ending on 30 June in each year; or

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S.R. No. 42/1996

Part 4—Royalties

r. 403

- (b) if the holder of the work authority, by notice in writing to the Secretary, elects to pay royalties at 6 monthly intervals, for the period of 6 months ending on 30 June and 31 December in each year—

and must be paid within 4 weeks after the end of the period for which they are payable.

- (2) The holder of a work authority must ensure that the payment is accompanied with a signed statutory declaration which states the amount of stone on which royalties are payable for that period.

Penalty applying to this sub-regulation: 20 penalty units.

- (3) The holder of a work authority may by notice in writing to the Secretary elect to pay royalties at 6 monthly intervals for the period of 6 months ending on 30 June and 31 December.

- (4) The holder of a work authority must retain copies of records of sales and production for inspection purposes for 6 years.

Penalty applying to this sub-regulation: 10 penalty units.

PART 5—QUARRY MANAGERS

501. Application for quarry manager's certificate

An application for a quarry manager's certificate must be—

- (a) in the form of Schedule 6; and
- (b) accompanied by the application fee specified in Schedule 1.

502. Qualifications regarding first aid administration and use of explosives

- (1) A person is qualified for the purposes of section 39(2)(e) of the Act to administer first aid if he or she has successfully completed a course in first aid that has been approved as satisfying the objectives of a level 2 course contained in appendix 2 of the Code of Practice for First Aid in the Workplace, **Occupational Health and Safety Act 1985** published by the Department of Labour in 1988.
- (2) A person is qualified for the purposes of section 39(2)(f) of the Act to use explosives if he or she is the holder of a permit to use explosives issued by the Chief Inspector of Quarries under regulation 527 of the ¹Extractive Industries Regulations 1989.

503. Procedure of a Panel

- (1) A panel appointed under section 40 of the Act may inquire into a matter at the time and at the place that it determines and is bound by rules of natural justice.
- (2) If a panel has been appointed, it must not hold a hearing until it has given the holder of the quarry manager's certificate at least 28 days notice of the time and place for holding the hearing together

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Part 5—Quarry Managers

r. 503

with a summary of the matter which is the subject of the inquiry.

- (3) In conducting a hearing the panel is not bound by laws of evidence but may inform itself on any matter as it thinks fit.
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PART 6—PUBLIC HEALTH AND SAFETY

601. Notice relating to noise, dust, air blast and ground vibrations limits

- (1) With respect to any quarry which is not an extractive industry, an inspector, after consultation with the person who owns the quarry, may serve a notice requiring that levels of noise, dust, airblast overpressure or ground vibrations attributable to blasting in the quarry should not exceed the limits specified in the notice at any location external to the quarry site specified in the notice.
 - (2) An inspector must not issue a notice under sub-regulation (1) that—
 - (a) requires a noise limit to be inconsistent with any noise limit imposed under the **Environment Protection Act 1970** for protection of persons from noise emissions from commercial, industrial or trade premises;
 - (b) requires a level of airborne dust concentration that is not within the range of acceptable limits for airborne dust which are contained in the Worksafe Australian Standard, Exposure Standard for Atmospheric Contaminants in the Occupational Environment, Guidance Notes and National Exposure Standards, May 1990;
 - (c) requires a limit about airblast overpressure attributable to blasting in a quarry, which is outside the range of 115 and 120 decibels;
 - (d) requires a limit about ground vibration attributable to blasting in the quarry, which is outside the range of 5 and 10 millimetres per second.
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S.R. No. 42/1996

Part 6—Public Health and Safety

r. 601

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- (3) The manager of the quarry must comply with any notice issued under sub-regulation (1).

Penalty applying to this sub-regulation:
100 penalty units.

PART 7—QUARRYING INFRINGEMENTS

701. Offences

- (1) For the purposes of section 45 (1) of the Act the offences set out in column 1 of Schedule 7 are offences to which Division 2 of Part 5 of the Act applies.
- (2) For the purposes of section 45 (5) of the Act the penalty prescribed for an infringement is the amount in column 3 of Schedule 7 set out opposite the infringement.
- (3) A summary of an infringement in column 2 of Schedule 7 is not to be taken to affect the nature or elements of an offence to which the summary refers or the operation of these Regulations or the Regulations continued in force by item 6(1) of Schedule 2 to the Act.

702. Form of infringement notice

An infringement notice must be in the form of Schedule 8.

703. Particulars of an infringement notice

An infringement notice must contain the following particulars—

- (a) a reference to the fact that it is an infringement notice;
 - (b) the date on which the notice is issued;
 - (c) the date by which the penalty is to be paid;
 - (d) the number of the notice;
 - (e) the name and address (if known) of the person alleged to have committed the infringement;
 - (f) a brief description of the kind of alleged infringement;
-

- (g) the amount of the prescribed penalty and where it is to be paid;
- (h) a statement to the effect that if the amount of the penalty is paid on time the matter will not be brought before a court of law unless, before the end of the period specified in the notice as the time for payment of the penalty, an inspector of quarries gives notice that the infringement notice has been withdrawn;
- (i) the name and signature of the inspector of quarries who issued the notice.

704. Service of infringement or withdrawal notice

An infringement notice or withdrawal notice may be served by personally serving the notice on the alleged offender or by sending the notice by registered post addressed to the alleged offender at his or her last known place of residence or business.

705. Form of withdrawal notice

An infringement withdrawal notice must be in the form of Schedule 9.

706. Payment of penalty

Payment of a penalty for an infringement notice may be made by sending the amount of the penalty by post or delivering it to the address specified in the notice as the address for the payment of the penalty.

707. Prior convictions

- (1) A document for the purposes of section 47 (1) of the Act is in the prescribed form if it is in writing and contains—
 - (a) the name of the informant; and
 - (b) the name and address of the person to whom the convictions relate; and

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S.R. No. 42/1996

Part 7—Quarrying Infringements

r. 707

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- (c) brief details of each prior conviction, being a statement of the court of law at which the person is alleged to have been convicted, the date of the conviction, a short description of the alleged offence and a short description of the penalty imposed.
- (2) A notice for the purposes of section 47 (2) of the Act is in the prescribed form if it is in writing and if it states that if the person does not appear in answer to the summons served with the notice and if the person is convicted of the infringement alleged in the summons, the document will be admissible as evidence that the person has been convicted previously as alleged.
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Part 8—Amendments to Extractive Industries Regulations 1989

r. 801

**PART 8—AMENDMENTS TO EXTRACTIVE INDUSTRIES
REGULATIONS 1989**

801. Amendment of saved regulations

Divisions 3 and 4 of Part 4 and Parts 5 and 6 of
the Extractive Industries Regulations 1989 are
amended as specified in Schedule 10.

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Sch. 1

SCHEDULES

SCHEDULE 1

FEES

Sch. 1
substituted by
S.R. No.
53/2000 reg. 4,
amended by
S.R. Nos
53/2004 reg. 7,
88/2004
reg. 4(Sch. 1
item 16(a)–
(h)).

ITEM No.	REG. No.	NATURE OF FEE	AMOUNT
	*	*	*
	*	*	*
3.	301	Fee for approval of a work plan over an area exceeding 5 hectares or exceeding 2 metres in depth	31.1 fee units
4.	301	Fee for approval of a work plan over an area not exceeding 5 hectares and not exceeding 2 metres in depth	10.4 fee units
5.	301	Fee for approval of a variation to a work plan	25.9 fee units
6.	302	Fee for approval of a work authority over an area exceeding 5 hectares or greater than 2 metres in depth	41.4 fee units
7.	302	Fee for approval of a work authority over an area not exceeding 5 hectares and not exceeding 2 metres in depth	10.4 fee units
8.	303	Fee for approval of a request to vary a work authority	25.9 fee units
9.	304	Fee for consent to transfer a work authority	15.5 fee units
10.	306	Inspection fee for a work authority site exceeding 5 hectares or exceeding 2 metres in depth	24.3 fee units
11.	306	Inspection fee for a work authority site not exceeding 5 hectares and not exceeding 2 metres in depth	10.9 fee units
12.	501	Application fee for a quarry manager's certificate	36.2 fee units

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Sch. 2

SCHEDULE 2

Regulation 204

**Sch. 2
substituted by
S.R. No.
53/2004 reg. 8.**

RECORDS AND RETURNS—CONSENT TO SEARCH FOR STONE

Consent Number:

Reporting Period:

Locality including 1:100000 Map Numbers:

Full Name and Address of Consent Holder:

Summary of Results including—

- A complete record of all geological, geophysical, geochemical and other technical investigations with relevant maps showing locations of surveys.
- A complete record of all drill holes and excavations with logs and relevant maps showing locations.
- Details of any material tested.
- A summary of stone resources identified.

List here any attached reports, transparencies and other data:

I certify that the information supplied in this report is a true statement of the operations carried out under this consent during the period specified.

DATED this day of 20

Signature of Consent Holder

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Sch. 3

SCHEDULE 3

Regulation 301(2)

WORK PLAN INFORMATION

If the work plan covers an area, other than an area not exceeding 5 hectares and less than 2 metres in depth:

1. General description of geological information including estimates of stone resources.
2. A general location plan at a scale of 1:100,000 or 1: 50,000.
3. A regional plan at a scale of 1:25,000 showing the extent of Crown lands, private lands, private land allotments, rivers and streams within the proposed work plan area, and, where possible, parks and reserves within 2 kilometres of the site. Certificates of title must also be submitted with respect to any private land allotments.
4. A site plan at an appropriate scale including cross-sections, showing and describing existing surface contours, and topographical features, drainage patterns, water courses, vegetation features and soil information and also including—
 - (a) the proposed buildings and surface facilities including location of crushing, screening and other processing plant;
 - (b) the anticipated extent of extraction with proposed bench heights, berm details and working batters;
 - (c) the sequencing of extraction;
 - (d) the location of topsoil and waste rock dumps and stockpile areas;
 - (e) the location of proposed water dams, any slime dams, and sediment retention systems and any measures for the diversion of water from the site;
 - (f) access roads.
5. Description of processing methods to be used including the proposed plant layout.
6. An environmental management program setting out the—
 - (a) proposals for the disposal of any effluents, protection of groundwater, and drainage and erosion control;
 - (b) proposals for the suppression of noise, dust from any source and vibrations from blasting operations;
 - (c) proposals for the effective monitoring of the operation.

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Sch. 3

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7. A rehabilitation plan, taking into account section 32(a) of the Act which includes—
- (a) the concepts for the possible end use of the site;
 - (b) the proposals for the progressive rehabilitation to a safe and stable landform of extraction areas including slope batters, road cuttings, and dumps;
 - (c) the proposals for landscaping to minimise the visual impact of the site;
 - (d) any proposals to protect and conserve native vegetation during the production phase of the operation.
 - (e) any proposals for the final rehabilitation and vegetation of the site including final security of the site, securing of water dams and slimes dams and removal of plant and equipment.
8. Other information that may be relevant to the application but not included above.
9. If the work plan covers an area not exceeding 5 hectares and is less than 2 metres in depth—
- (a) a general description of any test work undertaken on the area;
 - (b) a general location plan at a scale of 1:25000, together with certificates of title for any private land allotments;
 - (c) a plan of the area at an appropriate scale which shows the—
 - (i) proposed buildings and surface facilities;
 - (ii) access roads and tracks;
 - (iii) location of any proposed settling dams or water dams;
 - (iv) general drainage pattern of the area;
 - (v) proposed sequencing and extent of extraction;
 - (d) if any treatment of excavated material is to occur on site, a description of the treatment plant.
 - (e) a description of rehabilitation proposals which takes into account section 32(a) of the Act and includes—
 - (i) the proposals for the progressive rehabilitation and stabilisation of extraction areas;
 - (ii) the proposals to minimise the visual impact of the site;
 - (iii) any proposals for removal of any plant or equipment.
-

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Sch. 4

SCHEDULE 4

Regulation 305(1)(a)

RECORDS AND RETURN—WORK AUTHORITY

**PRODUCTION, SALES AND VALUE OF STONE FOR THE
PERIOD ENDING**

Name of Principal Material Quarried

Work Authority(s) Numbers

Location of Quarry

Municipality.....

Name of Owner, Holder of Work Authority, or
Company.....

STATUTORY DECLARATION

I.

(full name)

of

(full address)

do solemnly swear and sincerely declare that the information in this return
is a true and correct statement of work done under the work authority.

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

Declared at
in the State of Victoria on

Before:

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

A person authorised under section 107A(1) of the Evidence Act to
witness the signing of a statutory declaration

Person to be contacted if queries arise regarding this return

Name: Telephone Number.....

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Sch. 4

ROCK TYPE (Choose from list below) (1)					
PRODUCT TYPE (Choose from list below) (1)					
QUANTITY OF TOTAL SALES / or QUANTITY EXTRACTED Cubic metres / Tonnes (2)					
VALUE OF TOTAL SALES AT GATE (3)					
QUANTITY OF TOTAL SALES FROM STONE REMOVED FROM CROWN LAND / OR QUANTITY EXTRACTED FROM CROWN LAND (4)	<div style="display: flex; justify-content: space-between; padding: 0 10px;"> Cubic Metres Tonnes </div>				

INSTRUCTIONS

Rock type and Product type (1)

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

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Sch. 4

Quantity of Total Sales (2)

- I. Include the useable quantity actually produced under the work authority. It should relate to quarry products sold, used or disposed of during the period, being materials extracted from this site and used by the organisation or transferred to an associated organisation.
- II. Do not include products produced from raw materials imported to this site from another operation. Such imported material, treated and sold materials should be accounted for on a separate form relating to the site where they were extracted.
- III. Royalty must be paid using the appropriate column in Schedule 5 which corresponds with the method of measurement at the stage the royalty becomes payable under Regulation 401

Value of Total Sales at Gate (3)

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

**Quantity of Total Sales from Stone removed from Crown land/or
Quantity extracted from Crown land (4)**

This is the amount of stone on which royalty must be paid pursuant to section 28 of the Act.

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Sch. 4

TABLE OF ROCK TYPES AND PRODUCT TYPES

ROCK TYPES	PRODUCT TYPES
Basalt Old	<ul style="list-style-type: none"> Aggregate (ie. aggregate, rail ballast, filler material) single size screenings such as concrete Road Base (Class 1 & 2 crushed rock (CR) Road Sub-Base (incl. Class 3 & 4 CR, NDCR and track material) Fill (incl. scalplings, spalls) Armour (incl. beaching) Dimension stone
Basalt New	
Trachyte	
Dolerite	
Granite (incl. granodiorite, porphy microgranites	
Scoria	
Tuff	
Gneiss	
Hornfels	
Marble	
Quartzite	
Schist	
Slate	
Sedimentary (usually rippable rocks incl sandstone, shale, siltstone chert, mudstone, claystone)	
Limestone (incl. limesand)	<ul style="list-style-type: none"> Road Base Class 1 & 2 crushed rock (CR) Road Class Sub-Base (Class 3 & 4 CR, NDCR and track material) Fill (include scalplings, spalls) Dimension stone Cement Agriculture Lime Flux Industrial Filters
	<ul style="list-style-type: none"> Aggregate (ie single size screenings such as concrete aggregate filter materials) Road Base (Class 1 & 2 crushed rock (CR) Road Sub-Base (include Class 3 & 4 CR, NDCR and track material) Fill (incl. scalplings, spalls) Concrete sand Fine sand (Brick, Packing Bedding, Plaster, Asphalt Foundry sand Glass sand Industrial (silica flour, fibre glass, ceramics, etc)
Sand and Gravel (naturally occurring gravels, not crushed sedimentary rocks)	

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Sch. 4

Clay and Clay Shale	<div><div>Brick (incl. Pavers)</div><div>Tile/Pipe</div><div>Firebricks</div><div>Stoneware (incl Pottery, Whiteware)</div><div>Fill</div></div>
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Soil

Peat

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Sch. 5

SCHEDULE 5

Regulations 401 and 402

Sch. 5
amended by
S.R. No.
53/2000 reg. 5.

RATE OF ROYALTIES

In this Schedule "M³" and "tonne" mean a cubic metre and tonne of material respectively in the form as sold, that is the loose measurement of the product removed.

TYPE OF STONE	RATE PER M ³	RATE PER TONNE
All stone (except dimension stone and marble)	\$1.43	\$0.87
Dimension stone and marble	\$8.07	\$3.23

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Sch. 6

SCHEDULE 6

Regulation 501

APPLICATION FOR QUARRY MANAGER'S CERTIFICATE

I apply for a certificate of competency as a quarry manager and submit the following particulars:

Name in full: Use BLOCK letters	
Surname:	Given names in full:
Address in full: Use BLOCK letters	
Telephone No	Postcode

Date of Birth	/	/	Place of Birth
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EDUCATION: Give details of the standard reached, any courses attended, and details of any diplomas, or certificates obtained (attach copies of these documents)

EDUCATIONAL INSTITUTE	COURSE	YEARS ATTENDED	QUALIFICATIONS

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Sch. 6

Details of Shotfirer's permits (Attach copy)		
Details of any previous manager's certificates (Attach copy)		
Details of current first aid certificates (Attach copy)		
REFERENCES—List 3 persons who are familiar with your character and qualifications		
Provide written references from the referees listed below		
NAME	ADDRESS	OCCUPATION

SOCIETIES, INSTITUTES, ASSOCIATIONS—List any professional, sub professional or trade membership

I enclose the fee of \$ and copies of documentary evidence (references, qualifications, experience) which support the statements made in this application. Original certificates, references, or testimonials should NOT be enclosed but need to be available if requested.	Signature of applicant: Date: / /
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Sch. 6

Applicants need to provide a detailed report of the nature and extent of their practical experience as follows:

DETAILS OF EXPERIENCE: If more space is required attach additional sheets	
From: (month/year) Title of Position:	To: (month/year) Number supervised:
Name of Employer: Address of Employer:	
Type of operation: Name of Person in charge:	
Description of work performed:	

You are required to detail the time spent in relation to the following activities at the face.

DRILLING AND BLAST DESIGN	
CHARGING AND BLASTING	
PROCESSING	
LOADING	
OTHER	

Signature of Applicant

Date:

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Sch. 7

SCHEDULE 7

Regulation 701(1)

Sch. 7
amended by
S.R. No.
53/2004
reg. 9(1)(2).

QUARRYING INFRINGEMENTS

Column 1	Column 2	Column 3
Infringement	Summary of Infringement	Penalty
An offence under section 8(a) of the Act	A person searching for stone or carrying out a survey or other operation for the purpose of searching for stone on Crown land without consent	5 penalty units
An offence against section 8(b) of the Act	A person searching for stone or carrying out a survey or other operation for the purpose of searching for stone on private land without consent	5 penalty units
An offence under section 9(2) of the Act	The holder of an authority or manager failing to comply with a work authority	5 penalty units
An offence under section 38(1) or (2) of the Act	Undertaking of work without a quarry manager being appointed	3 penalty units
An offence under section 44(1)(a) of the Act	Obstructing an inspector in the pursuit of his or her duties	5 penalty units
An offence under section 44(1)(b) of the Act	Contravening or failing to comply with a lawful requirement of an inspector	5 penalty units
An offence under section 52(1) of the Act	Failure on behalf of the holder of a work authority to provide required information	5 penalty units

Extractive Industries Development Regulations 1996
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Column 1	Column 2	Column 3
Infringement	Summary of Infringement	Penalty
An offence under section 52(2) of the Act	Failure on behalf of the holder of a consent under section 11 of the Act to provide required information to lodge return on work done under the consent	5 penalty units
An offence under regulation 307	Failure to ensure that certain documents are made available at the quarry office for the use of the manager	2 penalty units
An offence under regulation 421(m) of the Extractive Industries Regulations 1989	Failure to wear a safety helmet where required	1 penalty unit
An offence under regulation 525 of the Extractive Industries Regulations 1989	Failure to hold a permit to use explosives or be under the supervision of a person who holds a permit when handling or firing explosives	5 penalty units
An offence under regulation 603 of the Extractive Industries Regulations 1989	Failure to ensure that vehicles and mobile equipment are suitable for the purpose which they are used and are fitted with adequate safety devices	3 penalty units
An offence under regulation 603 of the Extractive Industries Regulations 1989	Failure of drivers of mobile equipment and vehicles to comply with speed restrictions, signals and warnings	2 penalty units
An offence under regulation 603 of the Extractive Industries Regulations 1989	Failure to ensure that exposed moving parts of any plant and machinery are fitted with effective guards	3 penalty units

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Sch. 8

SCHEDULE 8

Regulation 702

QUARRYING INFRINGEMENT NOTICE

<p>Details of Issue of Notice</p> <p>Details of person or person alleged to have committed an Infringement</p> <p>Name.....</p> <p>Address.....</p> <p>.....Postcode.....</p> <p>Work Authority Number</p> <p>Approximate Location of Infringement</p> <p>Approximate Time of Infringement am/pm</p> <p>Approximate Date of Infringement</p>	<p>Infringement Notice No.</p> <p>Infringement</p> <p>Penalty (Column 3)</p> <p>\$</p> <p>Date by which payment must be made</p>
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<p>Description of the Infringement (Column 3)</p> <p>.....</p> <p>.....</p> <p>.....</p>
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<p><u>How to pay the Penalty</u></p> <p>Payment must be made by</p> <p>Cheque or Money Order should be crossed '<i>Not Negotiable</i>'</p> <p>and be made payable to the <i>Department administering the</i></p> <p><i>Extractive Industries Development Act 1996.</i></p> <p>Provided the penalty is paid by the due date shown on this form the matter will not be brought before a Court unless before the date specified, the inspector of quarries gives notice that this Infringement Notice has been withdrawn.</p>
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Signature of inspector of quarries

Name of inspector of quarries

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Sch. 9

SCHEDULE 9

Regulation 705

WITHDRAWAL OF A QUARRYING INFRINGEMENT NOTICE

Name of person on whom infringement
notice was served:

Address of person on whom infringement notice
was served:

Number of Infringement
Notice

Date of Issue of
Infringement Notice

Infringement notice number is withdrawn in accordance with section
45(3) of the Act

Insert the following statements if relevant—

*It is intended that court proceedings may be instituted in respect of the
alleged infringement notice.*

Any payment made in respect of the infringement penalty will be refunded.

Signature of inspector of quarries
who issued the Infringement Notice

Name of inspector of quarries
who issued the Infringement Notice

Name of inspector of quarries who
issued the Infringement Notice

Name of inspector of quarries who
issued the Infringement Notice

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Sch. 10

SCHEDULE 10

Regulation 801

**AMENDMENTS OF EXTRACTIVE INDUSTRIES REGULATIONS
1989**

PROVISION OF EXTRACTIVE INDUSTRIES REGULATIONS 1989	AMENDMENT
Regulation 414	At the commencement of this regulation insert the words "Unless exempted by the Chief Inspector of Quarries"
Regulation 512	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 516(2),	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 517	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 518	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 520(1)(a)(i)	For "AS 2187, Part 2—1983" substitute "AS 2187, Part 2—1993"
Regulation 521(1)	For "AS 2187, Part 2—1983" substitute "AS 2187, Part 2—1993"
Regulation 522(c)	For "AS 2187, Part 2—1983" substitute "AS 2187, Part 2—1993"
Regulation 526(1)(b)	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 527(4)(b)	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"

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PROVISION OF EXTRACTIVE INDUSTRIES REGULATIONS 1989	AMENDMENT
Regulation 527(5)	For "an approved course of instruction in the use of explosives, which contained not less than 30 hours practical use of explosives" substitute "a course approved by the Chief Inspector of Quarries in the use of explosives"
Regulation 530	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"
Regulation 531	For "Schedule 4" substitute "Schedule 1 to the Extractive Industries Development Regulations 1996"

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Endnotes

ENDNOTES

1. General Information

The Extractive Industries Development Regulations 1996, S.R. No. 42/1996 were made on 28 May 1996 by the Governor in Council under sections 11, 14, 16, 17, 18, 23, 28, 39, 45, 46, 47, 52, 56 and item 6(1) of Schedule 2 to the **Extractive Industries Development Act 1995**, No. 67/1995 and came into operation on 1 June 1996: regulation 103.

The Extractive Industries Development Regulations 1996 will sunset 10 years after the day of making on 28 May 2006 (see section 5 of the **Subordinate Legislation Act 1994**).

Extractive Industries Development Regulations 1996
S.R. No. 42/1996

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Extractive Industries Development Regulations 1996 by statutory rules, subordinate instruments and Acts.

Extractive Industries Development (Fees and Rates) Regulations 2000,
S.R. No. 53/2000

Date of Making: 27.6.00
Date of Commencement: 30.6.00: reg. 3

Extractive Industries Development (Amendment) Regulations 2004, S.R. No. 53/2004

Date of Making: 25.5.04
Date of Commencement: 27.5.04: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04
Date of Commencement: 1.7.04: reg. 3

Extractive Industries Development Regulations 1996
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Endnotes

3. Explanatory Details

¹ Reg. 502(2): S.R. No. 209/1989. Reprinted to No. 239/1993.

**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 1994**

The following table of applied, adopted or incorporated matter is included S.R. No. 42/1996 in accordance with the requirements of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted and incorporated matter
Regulation 502(1)	Code of Practice for First Aid in the Workplace, Occupational Health and Safety Act published by the Department of Labour 1988.
Regulation 601(2)	Worksafe Australian Standard, Exposure Standard for Atmospheric Contaminants in the Occupational Environment, Guidance Notes and National Exposure Standards, May 1990.
Schedule 10	Australian Standard AS 2187.2-1993 Explosives—Storage, Transport, and Use.