

LEGISLATIVE COUNCIL

Read 1° 18 March 1986

(Brought from the Legislative Assembly)

A BILL

for

An Act to amend the *Extractive Industries Act* 1966 and for other purposes.

Extractive Industries (Amendment) Act 1985

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to amend the *Extractive Industries Act* 1966.

5 Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

3. In this Act, the *Extractive Industries Act* 1966 is called the Principal Act.

Act No. 7499.
Reprinted to
No. 8647.
Subsequently
amended by
Nos. 8953,
9373, 9425,
9861, 9863,
9864, 9921,
9936, 10057 and
10164.

Extension of period for which leases and licences granted.

4. In sections 3 (1) and 4 (1) of the Principal Act for “fifteen years” substitute “thirty years”.

Conditions on leases and licences.

5. (1) After section 7A of the Principal Act insert: 5

Conditions relating to environment and amenity.

“7B (1) A lease or licence under this Act is granted subject to such covenants and conditions as the Minister thinks fit with respect to the measures to be taken to minimize the adverse effects that the extractive industry operation may have on the environment and the neighbouring community including the effects of noise, vibration, dust and road traffic and other effects on the aesthetic value of the area. 10

(2) The Minister may review the covenants and conditions imposed on a lease or licence under this section at the end of every period of ten years following the granting of the lease or licence. 15

(3) After carrying out a review under sub-section (2) the Minister may—

(a) impose an additional covenant or condition in relation to the lease or licence; or

(b) amend or vary a covenant or condition to which the lease or licence is subject— 20

and the lease or licence shall have effect accordingly.”.

(2) In sections 3 (3) (b) and 4 (2) of the Principal Act for “section 7A” substitute “sections 7A and 7B”.

Consolidation of leases and licences. 25

6. For section 8A (6) (a) of the Principal Act substitute:

“(a) unless the Minister is satisfied that—

(i) in the case of a lease of Crown Land, the Minister for the time being administering the *Land Act* 1958 has consented to the land being leased for the period of the new lease; 30

(ii) in the case of private leasehold land the Minister for the time being administering the *Land Act* 1958 and the owner of the land have consented to the new licence being granted for that period; or 35

(iii) in the case of private freehold land, the applicant is the owner of the land or has the right or under an agreement in writing will upon the applicant’s obtaining the licence have the right to extract stone from the land during the period of the new licence.”. 40

Renewal of leases and licences.

7. Section 17 of the Principal Act is amended as follows:

(a) In sub-section (2) for “fifteen years” substitute “ten years”;
and

5 (b) After sub-section (5) insert:

10 “(6) Any lease or licence which was held immediately before the commencement of section 7 of the *Extractive Industries (Amendment) Act* 1985 and which is renewed for the first time after that commencement may be renewed on that first occasion for a period not exceeding 30 years instead of the period of up to ten years referred to in sub-section (2).”

New heading and section 17C inserted.

8. After section 17B of the Principal Act insert:

15 Operations on behalf of Crown &c.

‘17C (1) If an operation of a kind referred to in section 2 (4) is proposed to be conducted, the relevant authority must—

20 (a) in any case where the permission of the relevant authority is required for the conduct of the operation, as soon as practicable after receiving an application for permission; or

(b) in any other case, not less than one month before the commencement of the proposed operation—

advise the Minister in writing of the location, quarrying method and production of the proposed operation.

25 (2) In this section “relevant authority” means the person or body having the management or control of the land on which the operation is proposed to be conducted.’

Municipalities and certain authorities to comply with section 17C.

30 9. In section 39 of the Principal Act for “sub-section (3) of section 19” substitute “section 17C or section 19 (3)”.

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