

LEGISLATIVE ASSEMBLY

Read 1° 1 December 1982

(Brought in by Mr Mathews and Mr Roper)

A BILL

To amend the *Mines Act* 1958, the *Petroleum Act* 1958, the *Explosives Act* 1960, the *Extractive Industries Act* 1966, the *Inflammable Liquids Act* 1966 and the *Liquefied Gases Act* 1968 with respect to certain fees and charges and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Minerals and Energy Fees Act* 1982. Short title.

10 (2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

2. This Act is divided into Parts as follows:

Part I.—Amendments to the *Mines Act* 1958 ss. 3–29.

Part II.—Amendments to Other Acts ss. 30–34.

Division into Parts.

Part I.—AMENDMENTS TO THE MINES ACT 1958.

Principal Act
No. 6320.
Reprinted to
No. 9427.
Subsequently
amended by
Nos. 9549,
9576 and 9699.

3. In this Part the *Mines Act* 1958 is called the Principal Act.

Amendment of
No. 6320 s. 14.
Miner's right.

4. In section 14 (1) of the Principal Act for the expression "Four dollars (\$4.00)" there shall be substituted the expression "\$10".

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Amendment of
No. 6320 s. 22.
Duplicate
miner's right.

5. In section 22 of the Principal Act the expression "on, payment of the fee not exceeding One dollar (\$1.00) as may be prescribed by the regulations" shall be repealed.

Amendment of
No. 6320 s. 41.
Gold mining
lease.

6. In section 41 (1) of the Principal Act for the expression "Sixty-two cents (\$0.62)" there shall be substituted the expression "\$5".

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Amendment of
No. 6320
ss. 43 and 44.
New lease.

7. In sections 43 (4) and 44 (1) of the Principal Act for the expression "\$20" (wherever occurring) there shall be substituted the expression "\$25".

Amendment of
No. 6320.
New s. 45
(3A).
Transfer of
mining lease.

8. After section 45 (3) of the Principal Act there shall be, inserted the following sub-section:

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"(3A) Subject to the provisions of section 362, the proprietor of a mining lease granted under this Part may transfer all or a portion of the land mine and premises comprised in such lease to any other person or company, on payment of the prescribed fee."

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Amendment of
No. 6320 s. 47.
Suspension of
labour
covenant.

9. In section 47 (4) of the Principal Act after the words "Minister may" there shall be inserted the words "on receipt by him of an application and on payment of the prescribed fee by the lessee".

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Amendment of
No. 6320 s. 51.
Forfeiture of
lease.

10. In section 51 (2) of the Principal Act—

(a) for the expression commencing "the sum of \$6" and finishing "standing the sum of \$20" there shall be substituted the expression "the sum of \$100"; and

(b) the expression commencing "The court" and finishing "have been lodged." shall be repealed.

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Amendment of
No. 6320 s. 82.
New ss. (6).
Transfer of
tailings licence.

11. After section 82 (5) of the Principal Act there shall be inserted the following sub-section:

"(6) A licensee may, with the approval of the Minister, transfer all or a portion of his interest in a tailings licence granted pursuant to this section or section 81 to any other person, on payment of the prescribed fee."

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12. In

12. In section 83 (2) of the Principal Act for the expression “\$6” there shall be substituted the expression “\$100”. Amendment of No. 6320 s. 83. Forfeiture of licence.

13. Section 84 of the Principal Act shall be amended as follows: Amendment of No. 6320 s. 84.

(a) For the expression “84. All” there shall be substituted the expression “84. (1) All”; and

(b) At the end of the section there shall be inserted the following sub-section:

“(2) If it is proved to the satisfaction of the Minister that on account of unexpected or unforeseen difficulties in working a licence to work tailings or on account of any other cause whatever which the Minister deems sufficient the licensee has been or is unable to employ the number of men required by the condition in that behalf the Minister may on receipt by him of an application and on payment of the prescribed fee by the licensee by order in writing if he thinks fit from time to time suspend such condition for any period not exceeding six months.”. Suspension of labour condition.

14. Section 93 (1) of the Principal Act shall be amended as follows: Regulations.

(a) In paragraph (fa) for the expression “\$50” there shall be substituted the expression “\$500”;

(b) In paragraph (m) after the word “licence” there shall be inserted the words “ and the transfer of any interest in a lease or licence under this Part and prescribing the fees to be paid in respect of such transfers including fees for the lodgement of objections to such transfers”; and

(c) In paragraph (mg) for the expression “\$5” there shall be substituted the expression “\$20”. Claims.

15. In section 316 (1) of the Principal Act —

(a) for paragraphs (a) and (b) there shall be substituted the following paragraph:

“(a) for private land within the meaning of section 290— for gold mining leases \$5;” and

(b) for the expression “(c) for ” there shall be substituted the expression “(b) for”. Amendment of No. 6320 s. 316. Gold mining lease on private land.

16. In section 318 (4) of the Principal Act for the expression “\$20” there shall be substituted the expression “\$25”. Amendment of No. 6320 s. 318. New lease upon surrender of lease.

17. In section 349 of the Principal Act for the expression “13 cents” there shall be substituted the expression “\$5”. Amendment of No. 6320 s. 349. Water—line easement lease.

18. After

Amendment of
No. 6320.
New s. 368A.
Tribute
agreements.

18. After section 368 of the Principal Act there shall be inserted the following section:

“368A. The Governor in Council may make regulations with respect to prescribing the fees to be paid in respect of any application to let a tribute under this Division.”

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Amendment of
No. 6320
s. 383.
Examinations
for permits to
use explosives.

19. In section 383 (1) of the Principal Act —

(a) in paragraph (db) after the expression “(db)” there shall be inserted the words “the prescribing of fees for the conduct of examinations for permits to use explosives in mines”;

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(b) in paragraph (dc) —

(i) after the word “subject,” there shall be inserted the words “the amendment or alteration of the licences,”; and

(ii) after the words “for the licences” there shall be inserted the words “and for their amendment or alteration”;

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(c) after paragraph (dc) there shall be inserted the following paragraph:

“(dd) the issue to fit and proper persons of duplicate licences to store explosives in mines and the prescribing of fees for such issue;”

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Issue and
amendment of
licences to
store explosives.

Amendment of
No. 6320
s. 400E.
Mine managers’
certificates and
permits.

20. In section 400E (2) (a) of the Principal Act after the word “chargeable” there shall be inserted the expression “including fees for the conduct of examinations conducted under this subdivision”.

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Amendment of
No. 6320
s. 453.
Rent for land
worked by
dredging or
hydraulic
sluicing.

21. In section 453 of the Principal Act for the expression “\$1.25” there shall be substituted the expression “\$5”.

Amendment of
No. 6320
s. 513.

22. In section 513 of the Principal Act before the interpretation of “Licence” there shall be inserted the following interpretation:

““Graticular section” has the meaning assigned to it in section 4 (1) of the *Petroleum (Submerged Lands) Act 1982*.”

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“Graticular
section.”

Amendment of
No. 6320
s. 514.
Area of
exploration
licence.

23. In section 514 (2) of the Principal Act for the expression “860 square kilometres” there shall be substituted the expression “12 graticular sections”.

Amendment of
No. 6320
s. 515.
Exploration
licence.

24. In section 515 (2) (a) of the Principal Act for the words “square kilometre or part of a square kilometre” there shall be substituted the words “graticular section or part thereof”.

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25. In

25. In section 517 (e) of the Principal Act for the expression “\$20” there shall be substituted the expression “\$80”.

Amendment of No. 6320 s. 517. Transfer of exploration licence.

26. In section 519 (4) of the Principal Act for the words “square kilometre or part of a square kilometre” there shall be substituted the words “graticular section or part thereof”.

Amendment of No. 6320 s. 519.

27. In section 528 (ca) of the Principal Act for the expression “\$50” there shall be substituted the expression “\$80”.

Amendment of No. 6320 s. 528. Applications under Part V.

28. For the Thirty-third Schedule to the Principal Act there shall be substituted the following Schedule:

Amendment of No. 6320. New Thirty-third Schedule.

“THIRTY-THIRD SCHEDULE

FEES PAYABLE ON THE ISSUE OR EXTENSION OF AN EXPLORATION LICENCE

<i>Number of Graticular Sections Appealed for</i>	<i>Annual Fee</i>
	\$
1	500
2	600
3	675
4	750
5	825
6	900
7	950
8	1000
9	1050
10	1100
11	1150
12	1200

29. In section 1 of the Principal Act in the table of Parts and Divisions in the item relating to Division 1 of Part III. for the expression “ss. 361–368.” there shall be substituted the expression “ss. 361–368A.”.

PART II.—AMENDMENTS TO OTHER ACTS.

30. The *Petroleum Act* 1958 shall be amended as follows:

Amendment of No. 6334 s. 82. Petroleum lease.

(a) In section 31 (1) for the words “Eight dollars” there shall be substituted the expression “\$50”;

(b) In section 64 (5) (c) for the words “Eight cents” there shall be substituted the expression “\$15”; and

Petroleum exploration permit.

(c) In section 82 in paragraph (j) after the word “applications” there shall be inserted the words “, including fees for the processing of applications for permits and leases under this Act,”.

Applications for permits and leases.

Amendment of
No. 6715 s. 73.
Regulations.

31. In section 73 of the *Explosives Act 1960*—

- (a) in sub-section (1) after the word “explosives” (where secondly occurring) there shall be inserted the words “and providing for the issue of duplicate permits to use explosives”; and 5
- (b) after sub-section (1) there shall be inserted the following sub-section:

“(1A) Without limiting the generality of sub-section (1) the Governor in Council may make regulations for or with respect to providing for the fees which shall be paid for the issue of duplicate permits to use explosives and for examinations for permits to use explosives.”. 10

Amendment of
No. 7499 s. 8.
Assignment of
interest in
lease or licence.

32. The *Extractive Industries Act 1966* shall be amended as follows: 15

- (a) In section 8 after the word “may” there shall be inserted the words “on payment by him of the prescribed fee and”;

New s. 10A.

- (b) After section 10 there shall be inserted the following section: 20

“10A. Any applicant under section 10 may, on payment by him of the prescribed fee and with the consent in writing of the Minister, assign his interest in an application for a lease or licence to any other person in such manner and form (if any) as are prescribed.”; 25

Assignment of
interest in
application for
lease or licence.

- (c) In section 19 (2)—

(i) in paragraph (a) after the word “therefor” there shall be inserted the words “and the issue of licences to store explosives”; 30

(ii) after paragraph (a) there shall be inserted the following paragraph:

“(aa) the issue of duplicates of licences and permits under this section and the amendment and variation of original licences and permits under this section;” 35

- (iii) in paragraph (q) after the word “certificates” there shall be inserted the word “licences” and after the word “regulations” there shall be inserted the words “and for the issue of licences to store explosives, the issue of duplicate licences and permits under this section and the amendment or variation of original licences and permits under this section”; and 40

Amendment of
No. 7499 s. 19.
Licence to
store explosives.

(d) In

- 5 (d) In section 45 (b) after the word "appeals" there shall be inserted the words ", the preparation of leases, licences and extraction permits, the assignment of leases or licences and of an interest in an application for a lease or licence".
33. The *Inflammable Liquids Act* 1966 shall be amended as follows:
- 10 (a) In section 10 (b) (i) after the word "certificates" there shall be inserted the expression "the transfer amendment and issue of duplicates of licences under Parts II. and III. and for the issue of a duplicate of an identification plate required by a licence under Part III."; Duplicate licences and duplicate identification plates.
- 15 (b) After section 13 there shall be inserted the following section: New s. 13A.
 "13A. A licensee under this Part may, on payment of the prescribed fee and with the consent of the Minister, transfer his licence to any other person."; and Transfer of storage licence.
- 20 (c) After section 23 there shall be inserted the following section: New s. 23A.
 "23A. A licensee under this Part may, on payment of the prescribed fee and with the consent of the Minister, transfer his licence to any other person.". Transfer of transport licence.
- 25 34. The *Liquefied Gases Act* 1968 shall be amended as follows:
- (a) After section 16B there shall be inserted the following section: Amendment of No. 7754. New s. 16C.
 "16C. A licensee under this Act may, on payment of the prescribed fee and with the consent of the Minister, transfer his licence to any other person."; and Transfer of licence.
- 30 (b) In section 22 (1) (l) after the word "permits" there shall be inserted the expression "for the transfer or amendment of licences and for the issue of duplicate licences and a duplicate of an identification plate required by a licence issued under section 16". Amendment of s. 22. Certain fees.
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