

# LEGISLATIVE COUNCIL

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Read 1° 16 April 1991

*(Brought in by the Honourable D. R. White)*

## A BILL

to amend the **Extractive Industries Act 1966** with respect to the procedure for renewing leases and licences, and for other purposes.

### **Extractive Industries (Further Amendment) Act 1991**

**The Parliament of Victoria enacts as follows:**

#### ***1. Purpose***

5           The purpose of this Act is to alter the procedure for applying for the renewal of leases and licences under the **Extractive Industries Act 1966**.

#### ***2. Commencement***

- (1) This Act, other than section 4 (3) to (6), comes into operation on the day on which it receives the Royal Assent.
- 10 (2) Section 4 (3) to (6) must be taken to have come into operation on 18 December 1990.

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Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

N . 7499.  
R print d to  
No. 3/1987  
and  
subs qu ntly  
am nd d by  
Nos 9/1987,  
41/1987,  
45/1987,  
12/1989,  
31/1989,  
44/1989,  
57/1989,  
81/1989  
and 92/1990.

**3. *Renewal of leases and licences***

- (1) In section 17 (1) of the **Extractive Industries Act 1966**, after “expires” insert “, but not later than 6 months before that expiry,”.
- (2) After section 17 of the **Extractive Industries Act 1966** 5  
**insert—**

**“17AAA. *Early applications for renewal***

- (1) Despite section 17 (1), a person holding a current lease or licence may lodge with the Minister an application for its renewal at any time earlier than 12 months before its expiry. 10
- (2) Despite section 17 (1A), the Minister must refer an early application under this section to the Extractive Industries Board for a report. 15
- (3) Before granting an early application under this section the Minister must be satisfied, having considered the Board’s report, that granting the application will be of major economic significance to the State. 20
- (4) Despite section 17 (2), the renewal period of a lease or licence that is renewed on an early application under this section commences—
  - (a) if the renewal is granted earlier than 12 months before the expiry of the lease or licence, on the date the renewal is granted; and 25
  - (b) in any other case, on the expiry of the lease or licence. 30
- (5) Section 17 applies in relation to an early application except to the extent that this section provides otherwise.”.

**“17AAB. *Late applications for renewal***

- 5 (1) Despite section 17 (1), a person holding a current lease or licence may lodge with the Minister an application for its renewal at any time during the 6 months immediately before its expiry.
- 10 (2) Before granting a late application under this section, the Minister must be satisfied that the applicant has demonstrated an adequate reason for failing to comply with section 17 (1).
- 15 (3) The Minister must notify the applicant of the reasons for the decision if the Minister decides not to grant a late application under this section.
- (4) Section 17 applies in relation to a late application except to the extent that this section provides otherwise.”.

**4. *Statute law revision***

- 20 (1) In section 2 (1) of the **Extractive Industries Act 1966**, in the definition of “Director-General”, for “Industry, Technology and Resources” substitute “Manufacturing and Industry Development”.
- 25 (2) In section 5 of the **Extractive Industries Act 1966**, for “**Land Act 1958**” substitute “**Conservation, Forests and Lands Act 1987**”.
- (3) In section 15 (15) (b) and (19) of the **Mineral Resources Development Act 1990**, for “Administrators” substitute “Economists”.
- 30 (4) For section 57 (1) (a) of the **Mineral Resources Development Act 1990** substitute—
- “*(a)* likely to search for minerals on—
- (i) land covered by a mining licence; or
- 35 (ii) private land without the consent of the owner or occupier; or

*Extractive Industries (Further Amendment)*

- (iii) Crown land exempted under section 6 or 7; or
  - (iv) Crown land nominated under section 7 (1) of the **Crown Land (Reserves) Act 1978**; or”.
- (5) In section 123 of the **Mineral Resources Development Act 1990**, for “26 (4)” substitute “26 (5)”.
- (6) In item 19 of Schedule 1 to the **Mineral Resources Development Act 1990**, after item 19.1 insert—
- ‘19.1A In section 40 (1A)—
- (a) for “Part V of the **Mines Act 1958**” substitute “the **Mineral Resources Development Act 1990**”; and
  - (b) for “under the **Mines Act 1958**” substitute “under the **Mineral Resources Development Act 1990**”.’.