

Extractive Industries (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 24 February 1987

(Brought in by Mr Fordham and Mr Jolly)

A BILL

to amend the *Extractive Industries Act 1966*, the *Extractive Industries (Amendment) Act 1984* and the *Extractive Industries (Amendment) Act 1986* and for other purposes.

Extractive Industries (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

- 5 1. The main purpose of this Act is to amend the *Extractive Industries Act 1966*, the *Extractive Industries (Amendment) Act 1984* and the *Extractive Industries (Amendment) Act 1986*.

Commencement.

2. (1) This Act, except sections 7 (2), 8 and 9, comes into operation on the day on which it receives the Royal Assent.
- 10 (2) Section 7 (2) is deemed to have come into operation on 20 November 1984.
- (3) Section 8 is deemed to have come into operation on 8 April 1986.
- (4) Section 9 is deemed to have come into operation on 29 April 1986.

Principal Act.

Act No 7499
 Reprinted to No
 8647
 Subsequently
 amended by Nos
 8953, 9373,
 9425, 9861,
 9863, 9864,
 9921, 9936,
 10057, 10164,
 9/1986, 16/1986
 and 121/1986

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

Changes of references to Secretary.

- 4.** Section 12 of the Principal Act is amended as follows: 5
- (a) In sub-section (1)—
- (i) for “Secretary shall” substitute “Director-General shall”; and
- (ii) in paragraph (a), for “Secretary for Planning” substitute “Secretary for Planning and Environment”; 10
- (b) In sub-section (2)—
- (i) in paragraphs (a) and (b), for “Secretary whether” (wherever occurring) substitute “Director-General whether”; and
- (ii) in paragraph (b), for “Secretary for Planning” substitute “Secretary for Planning and Environment”; 15
- (c) In sub-section (3)—
- (i) in paragraphs (a) and (b), for “Secretary that” (wherever occurring) substitute “Director-General that”; and
- (ii) in paragraph (b), for “Secretary for Planning” substitute “Secretary for Planning and Environment”; and 20
- (iii) for “Secretary shall” substitute “Director-General shall”;
- (d) In sub-sections (4) and (5), for “Secretary” (wherever occurring) substitute “Director-General”. 25

Changes of names.

- 5.** The Principal Act is amended as follows:
- (a) In section 2 (1)—
- (i) after the definition of “Committee” or “Advisory Committee” insert— 30
- ‘ “Director-General” means the Director-General, Department of Industry, Technology and Resources.’; and

- (ii) the definition of “Secretary” is repealed;
- (b) In sections 7 (a), 12 (1) (a), 12 (2) (a) and 12 (3) (a), for “Soil Conservation Authority” (wherever occurring) substitute “Director-General of Conservation, Forests and Lands”;
- 5 (c) In sections 8A (1), (2) and (4), 10 (1), 14 (2) and (3), 16 (1) and (2), 17A (6), 17B (5), 24 (1) and (2), 26 (1), 27 (1), 31 (2) (b) and (4), 33 (1) (a) and (c), 35, 38, 43 (4) and (5), for “Secretary” (wherever occurring) substitute “Director-General”;
- 10 (d) In section 11 (2)—
- (i) for “Secretary such” substitute “Director-General such”; and
- (ii) for “Secretary for Minerals and Energy” substitute “Director-General”; and
- 15 (iii) for “Secretary reasonably” substitute “Director-General reasonably”;
- (e) In section 11A (2), for “Minister for Minerals and Energy” substitute “Minister”;
- 20 (f) In section 26 (2) (b), for “Forests Commission” substitute “Director-General of Conservation, Forests and Lands”;
- (g) In section 34 (1), for “Department of Mines” substitute “Department of Industry, Technology and Resources”;
- 25 (h) In section 43 (3) (b) (iii), after “Secretary for Lands” insert “or the Director-General of Conservation, Forests and Lands”;
- (i) In section 44 (1) and (2), for “Mines Department” (wherever occurring) substitute “Department of Industry, Technology and Resources”.

Amendment of regulation-making powers.

- 30 6. Section 19 (2) of the Principal Act is amended as follows:
- (a) In paragraph (h), for “certificates” substitute “permits”;
- (b) In paragraph (l)—
- (i) for “boys” (where first occurring) substitute “persons”; and
- 35 (ii) for “boys” (where secondly occurring) substitute “persons or any class of persons”.

Amendment of *Extractive Industries (Amendment) Act 1984*.

7. (1) The *Extractive Industries (Amendment) Act 1984* is amended as follows:

- 40 (a) In section 14 (1) (b) for proposed sub-section (6) to be inserted into the Principal Act substitute—

- “(6) An applicant is deemed to have satisfied the requirements of sub-section (4) of this section if the applicant has complied with section 18B of the *Town and Country Planning Act* 1961 with respect to an application for a permit under that Act for the same extractive industry operation.”; and 5
- (b) In section 20, in proposed section 18 to be inserted into the Principal Act, in sub-sections (1) and (2) for “Secretary” substitute “Director-General”; and
- (c) In section 29 (1)— 10
- (i) in paragraph (a), omit “and” at the end of sub-paragraph (ii); and
- (ii) in paragraph (a), sub-paragraph (iii) is repealed; and
- (iii) paragraphs (c) and (d) are repealed.
- (2) In section 28 (c) of the *Extractive Industries (Amendment) Act* 1984 for “35 (2)” substitute “35”. 15

Amendment of *Extractive Industries (Amendment) Act* 1986.

8. In section 5 (2) of the *Extractive Industries (Amendment) Act* 1986, for “3(3) (b)” substitute “3 (3) (aa)”.

Commencement of certain sections of the *Extractive Industries (Amendment) Act* 1984. 20

9. Despite anything to the contrary in the *Extractive Industries (Amendment) Act* 1984, sections 5, 7, 18 and 19 of that Act are deemed to have come into operation on 29 April 1986.