

Mines (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 8 April 1987

(Brought in by Mr Fordham and Mr Jolly)

A BILL

To amend the *Mines Act* 1958, to repeal the *Mining Development Act* 1958 and for other purposes

Mines (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

1. The purposes of this Act are—

- 5 (a) to facilitate the processing of mining title applications; and
 (b) to repeal the *Mining Development Act* 1958 and to make consequential amendments to the *Mines Act* 1958 and to the *Nuclear Activities (Prohibitions) Act* 1983; and
 (c) to make other minor amendments to the *Mines Act* 1958.

Commencement.

10 2. (1) This Act, except sections 10, 11 and 12, comes into operation on the day on which it receives the Royal Assent.

 (2) Sections 10, 11 and 12 come into operation on a day to be proclaimed.

Principal Act.

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

No 6320
Reprinted to
No. 9945
Subsequently
amended by
Nos 10081,
10087, 10164,
10189, 10257,
16/1986, 26/
1986, 110/1986
and 121/1986.

Transfer of development leases and prospecting area licences.**4. The Principal Act is amended as follows:**

- (a) In section 45 (3A), after “mining lease” insert “or development lease”;
- (b) In section 325— 5
 - (i) after sub-section (11) insert—
 - “(12) The holder of a prospecting area licence may transfer that licence to any other person if the holder—
 - (a) has obtained the Minister’s sanction under section 362; and 10
 - (b) has obtained the Minister’s approval under section 70 (1) to transfer the holder’s application for a lease of so much of the land as is the subject of the prospecting area licence to that other person; and
 - (c) pays the prescribed fee.”; and 15
 - (ii) in sub-section (14), after “renewals” (where first occurring) insert “and transfers”; and
 - (iii) in sub-section (14), for “or renewals” substitute “renewals and transfers”;
- (c) In section 362 (1) after “mining lease” insert “or development lease or included in any prospecting area licence”. 20

Time for registration of land as a claim.

- 5. In section 17 (1) of the Principal Act, for “seven” substitute “14”. 25

Claims and exploration licences.**6. Section 21A of the Principal Act is amended as follows:**

- (a) In sub-section (5), for “issued” substitute “applied for”;
- (b) In sub-section (5) (b), after “determination of the licence application” insert “unless the consent in writing of the applicant for the licence to the registration of the land as a claim is first obtained”. 30

Mining warden qualifications.

- 7. In section 103 of the Principal Act, for “and” (where first occurring) substitute “or”. 35

Regulation of mines.**8. The Principal Act is amended as follows:**

- (a) In section 380—
 - (i) omit “general” (wherever occurring); and

(ii) for “Division” (wherever occurring) substitute “Act”;

(b) In section 381 for “General Regulations” substitute “regulations”;

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(c) In sections 382 (1) and (2) omit “general” (wherever occurring).

Consents relating to prospecting areas.

9. In section 526 (1) of the Principal Act—

(a) after “lease under this Act” insert “or prospecting area licence under section 325”; and

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(b) after “priority over the lease” insert “or prospecting area licence”.

New Division 6 inserted in Part III.

10. After section 504 of the Principal Act insert—

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“Division 6—Establishment of Plant for testing Metalliferous Material”

Definition.

‘505. In this Division—

“Testing plant” means—

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(a) a stamp battery or machinery for the purpose of mechanically reducing rock, gangue, matrix or other vein stuff for the purpose of obtaining minerals or metals; and

(b) appliances—

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(i) for feeding, classifying or dressing rock, gangue, matrix or other vein stuff; and

(ii) for separating from the rock, gangue, matrix or other vein stuff the minerals, metals or ores contained in them; and

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(iii) for extracting minerals or metals from those ores by any process.’

Power to purchase plant etc. for testing metalliferous samples.

“505A. Out of the money available for the purposes of this Division the Minister may purchase and erect machinery, plant and appliances for testing the value of metalliferous material.”

Locality where testing plant may be established.

“505B. A testing plant may be established only in a district in which or within a reasonable distance of which there is no battery where metalliferous material is crushed or dealt with for payment and if, in the Minister’s opinion, the establishment of a testing plant is required.” 5

Approval for testing plant.

“505C. (1) If the Minister is of the opinion that there is a necessity in the interest of the mining industry for the establishment of a testing plant in any district, the Minister must submit to the Treasurer any reports, plans or other documents which, in the Minister’s opinion, are sufficient to justify the expenditure necessary to procure and erect the testing plant and, if the Treasurer so recommends, the Minister may out of the moneys available for the purposes of this Division procure and erect the testing plant. 10

(2) The purchase, transport, erection or removal of a testing plant must be in accordance with the regulations.” 15

Rates for testing.

“505D. (1) Subject to sub-sections (2) and (3), any person may use a testing plant established under this Division for testing metalliferous material in the manner and under the conditions fixed by the regulations on payment of the rates prescribed in the regulations. 20

(2) Rates under sub-section (1) must be paid in accordance with the regulations to the officer appointed by the Minister to receive the rates.

(3) A testing plant may, subject to and in accordance with the regulations, be used for testing metalliferous materials before payment for the use of the testing plant has been made, if— 25

(a) the regulations provide for payment after that use; or

(b) the officer appointed by the Minister to receive payment for the use of the testing plant and the person who is to use the testing plant have previously agreed in accordance with the regulations to the forfeiture to the Crown of a quantity of minerals or metals produced by or in the course of that use of that testing plant. 30

(4) Minerals or metals declared by an agreement under sub-section (3) to be forfeited to the Crown become the property of the Crown in accordance with the regulations and the agreement. 35

(5) In determining the quantity of minerals or metals to be forfeited to the Crown pursuant to an agreement under sub-section (3), regard must be had to the amount which would but for sub-section (3) have been payable for the use of the testing plant and the quantity of minerals or metals taken must be a quantity the value of which is approximately equivalent to that payment. 40

- 5 (6) Materials left on the site of a testing plant after the use of a testing plant by a person and which are not claimed by the person within the time prescribed and otherwise in accordance with the regulations become the property of the Crown on the expiration of the prescribed period and may be disposed of by the Minister in accordance with the regulations.”

Regulations.

- 10 “506. (1) The Governor in Council may make any regulations that are necessary for carrying into effect all or any of the provisions of this Division.

(2) Without limiting the generality of sub-section (1), regulations under that sub-section may make provision for or with respect to—

- 15 (a) the erection, transportation, operation, use and removal of testing plant to which this Division applies;
- (b) the duties of officers in connection with testing plant mentioned in paragraph (a);
- 20 (c) payments to be made in respect of the use of testing plant, the manner in which and the times at which those payments are to be made and the method of accounting for those payments;
- (d) the disposal of material which becomes the property of the Crown under section 505D;
- (e) agreements relating to the forfeiture to the Crown of minerals or metals under section 505D;
- 25 (f) claims in respect of the ownership of materials left on the site of a testing plant, the form of those claims and the period within which those claims must be made; and
- (g) generally, prescribing any matter or thing authorised or required to be prescribed for the purposes of this Division.”.

30 Repeal of Act No. 6321.

11. The *Mining Development Act 1958* is repealed.

Amendments consequential to Repeal.

12. (1) In section 107 (1) (b) of the Principal Act, omit “or the *Mining Development Act 1958*” (where twice occurring).
- 35 (2) In section 11 of the *Nuclear Activities (Prohibitions) Act 1983*, omit “the *Mining Development Act 1958*, or in”.

