

Authorised Version

Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019

S.R. No. 137/2019

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Authorised Version

STATUTORY RULES 2019

S.R. No. 137/2019

Mineral Resources (Sustainable Development) Act 1990

Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019

The Governor in Council makes the following Regulations:

Dated: 10 December 2019

Responsible Minister:

JACLYN SYMES
Minister for Resources

ANDREW ROBINSON
Acting Clerk of the Executive Council

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to prescribe various procedures, details, royalties, fees, forms, information required in documents and other matters authorised by the **Mineral Resources (Sustainable Development) Act 1990**; and
- (b) to prescribe certain offences as infringement offences; and
- (c) to set out requirements relating to declared quarries.

2 Authorising provision

These Regulations are made under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**.

3 Commencement

These Regulations come into operation on 26 January 2020.

4 Revocations

The Regulations set out in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

quarrying hazard means any quarrying activity and circumstance that may pose a risk to the environment, to any member of the public or to land, property or infrastructure in the vicinity of work carried out at a quarry;

rehabilitation hazard means any rehabilitation activity and circumstance that may pose a risk to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the rehabilitation activity;

safe, stable and sustainable means—

- (a) is not likely to cause injury or illness; and
- (b) structurally, geotechnically and hydrogeologically sound; and
- (c) non-polluting; and
- (d) aligns with the principles of sustainable development;

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Part 1—Preliminary

the Act means the **Mineral Resources
(Sustainable Development) Act 1990**;

work plan area means the area where work
described in the work plan is, or is proposed
to be, carried out.

Part 2—Work plans

6 Fee for lodging work plan

A work plan lodged with the Department Head under section 77G(1) of the Act must be accompanied by the relevant fee specified in Schedule 2.

7 Information required in work plans

For the purposes of section 77G(3)(g) of the Act, a work plan must contain the following other matters—

- (a) a description of the proposed work including information specified in regulation 8;
- (b) information specified in regulation 9 relating to the identification of risks required by section 77G(3)(b) of the Act;
- (c) information specified in regulation 10 relating to the requirement in section 77G(3)(c) of the Act to specify how identified risks will be eliminated or minimised as far as reasonably practicable;
- (d) the applicable information specified in regulation 11, as part of the rehabilitation plan included in the work plan under section 77G(3)(d) of the Act;
- (e) the information specified in regulation 12, as part of the community engagement plan included in the work plan under section 77G(3)(e) of the Act.

Note

For a work plan that relates to a declared quarry, information set out in Schedule 5 must also be included in the work plan in accordance with section 77G(3)(f) of the Act and regulation 21.

8 Information required in work plans—description of the proposed work

For the purposes of regulation 7(a), the following information is specified—

- (a) a description of sensitive receptors in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the proposed work;
- (b) a location map of the work plan area and areas within 2 km of the work plan area, drawn at an appropriate scale, that shows—
 - (i) the location of sensitive receptors identified; and
 - (ii) the extent and status of Crown lands and private lands; and
 - (iii) residential, commercial and industrial development; and
 - (iv) public facilities and infrastructure; and
 - (v) rivers and streams; and
 - (vi) for private land within the work plan area, any depth limitations on the land titles;
- (c) a general description of geological information pertaining to the proposed work, including—
 - (i) stratigraphy; and
 - (ii) any adverse geological structures; and
 - (iii) the types of stone to be extracted; and
 - (iv) the estimated stone resources and reserves;

- (d) a general description of the quarry operations including—
 - (i) the method and scale of extraction; and
 - (ii) stone processing methods and facilities; and
 - (iii) waste disposal methods and facilities; and
 - (iv) stockpiling facilities; and
 - (v) other quarry infrastructure;
- (e) a site map, drawn at an appropriate scale, that shows the general layout of the quarry and associated facilities and infrastructure.

9 Information required in work plans—identification of hazards and risks

For the purposes of regulation 7(b), the following information is specified—

- (a) details of quarrying hazards that may arise from work under the work plan, including quarrying hazards arising from—
 - (i) set up or construction; and
 - (ii) operations or production;
- (b) details of rehabilitation hazards that may arise from rehabilitation under the work plan;
- (c) an explanation of how the identified hazards may harm or damage the sensitive receptors described in the work plan, including evidence to support the assessment of the potential for harm or damage to be caused;
- (d) an assessment of the risks that the identified hazards may pose to identified sensitive receptors, having regard to—

- (i) the nature of the hazard; and
- (ii) the likelihood of the hazard causing, or contributing to, any harm or damage; and
- (iii) the severity or consequence of the harm or damage that may be caused.

10 Information required in work plans—risk management plan

For the purposes of regulation 7(c), the specified information is a risk management plan that sets out the following information in relation to identified risks—

- (a) measures to be applied to eliminate or minimise the risks as far as reasonably practicable;
- (b) the performance standards to be achieved by either individual measures or some combination of measures;
- (c) management systems, practices and procedures that are to be applied to monitor and manage risks and compliance with performance standards;
- (d) an outline of the roles and responsibilities of personnel accountable for the implementation, management and review of the risk management plan.

11 Information required in work plans—rehabilitation plan

- (1) Subregulation (2) applies to a work plan lodged on or after 1 July 2021.
- (2) For the purposes of regulation 7(d), the specified information is details of the proposed rehabilitation of land disturbed by work under the work plan including—

- (a) proposed land uses for the affected land after it has been rehabilitated, that considers community views expressed during consultation; and
 - (b) a land form that will be achieved to complete rehabilitation, which must—
 - (i) be safe, stable and sustainable; and
- Note**
safe, stable and sustainable is defined in regulation 5.
- (ii) be capable of supporting the proposed land uses referred to in paragraph (a); and
 - (c) objectives that set out distinct rehabilitation domains that collectively amount to the land form described in paragraph (b); and
 - (d) criteria for measuring whether the objectives described in paragraph (c) have been met; and
 - (e) a description of, and schedule for, each measureable, significant event or step in the process of rehabilitation; and
 - (f) an identification and assessment of relevant risks that the rehabilitated land may pose to the environment, to any member of the public or to land, property or infrastructure in the vicinity of the rehabilitated land, including—
 - (i) the type, likelihood and consequence of the risks; and
 - (ii) the activities required to manage the risks; and
 - (iii) the projected costs to manage the risks; and

- (iv) any other matter that may be relevant to risks arising from the rehabilitated land.
- (3) Subregulation (4) applies to a work plan lodged on or after commencement of these regulations but before 1 July 2021.
- (4) For the purposes of regulation 7(d), the specified information is—
 - (a) concepts for the end utilisation of the proposed quarry site; and
 - (b) proposals for the progressive rehabilitation, stabilisation and revegetation of extraction areas, waste disposal areas, stockpile areas, dams and other land affected by the operations; and
 - (c) proposals for landscaping to minimise the visual impact of the quarry site; and
 - (d) proposals for the final rehabilitation and closure of the site, including the security of the site and the removal of plant and equipment, taking into account any potential long-term degradation of the environment.
- (5) In this regulation—

relevant risks means risks that may require monitoring, maintenance, treatment or other ongoing land management activities after rehabilitation is complete.

12 Information required in work plans—community engagement plan

For the purposes of regulation 7(e), the specified information is information that—

- (a) identifies the community likely to be affected by the quarry operations; and

- (b) sets out how the extractive industry authority holder will—
 - (i) identify community attitudes and expectations; and
 - (ii) share information with the community; and
 - (iii) receive feedback from the community; and
 - (iv) analyse community feedback and consider community concerns or expectations; and
 - (v) register, document and respond to complaints and other communications from members of the community in relation to the quarry operations.

13 Fee for application to vary a work plan

An application for approval of a variation of a work plan lodged in accordance with section 77H(1)(a) of the Act must be accompanied by the relevant fee specified in Schedule 2.

14 Information to be contained in application for variation of work plan

For the purposes of section 77H(2) of the Act, the prescribed information is the following—

- (a) if changes to the work or rehabilitation set out in the work plan are proposed, a description of any new or changed quarrying hazard or rehabilitation hazard arising from the proposed changes that significantly increases the risks posed to—
 - (i) the environment; or
 - (ii) any member of the public; or

- (iii) land, property or infrastructure in the vicinity of the work or rehabilitation relating to the new or changed hazard;
- (b) if any new or changed hazard is described under paragraph (a), the information specified in regulations 9 and 10 that relate to the new or changed hazard, including the resulting proposed changes to the work plan;
- (c) if the application for the proposed variation is lodged on or after 1 July 2021 and includes new or changed rehabilitation of land, the information specified in regulation 11(2) that relates to the new or changed rehabilitation, including the resulting proposed changes to the rehabilitation plan in the work plan;
- (d) if the application for the proposed variation is lodged on or after commencement of these regulations but before 1 July 2021 and includes new or changed rehabilitation of land, the information specified in regulation 11(4) that relates to the new or changed rehabilitation, including the resulting proposed changes to the rehabilitation plan in the work plan;
- (e) if the application for the proposed variation is lodged on or after 1 July 2021 and the variation is in respect of a work plan lodged before that date that includes a rehabilitation plan that does not include the information specified in regulation 11(2), that information (other than information already included in the application under paragraph (c)), including the resulting proposed changes to the rehabilitation plan in the work plan;

- (f) if the proposed variation includes or gives rise to any changes relating to community consultation, the proposed changes to the community engagement plan in the work plan in relation to the information specified in regulation 12;
- (g) if the proposed variation includes any new or changed work to be carried out at a declared quarry, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the requirements and processes set out in Schedule 5;
- (h) a description of how the proposed variation to the work plan relates to the current approved work plan.

Part 3—Fees for extractive industry work authorities

15 Application fee for work authority

An application for an authority under section 77I(1) of the Act must be accompanied by a fee of 88·5 fee units.

16 Annual fee for work authority

(1) For the purposes of section 77J(1)(h) of the Act, the holder of an extractive industry work authority must pay to the Department Head the relevant fee specified in Schedule 3 for each financial year in which the authority is in force.

(2) A fee payable under subregulation (1) must be paid within 31 days after the end of the financial year to which it relates.

17 Fee for request to vary a work authority

A request to vary a work authority under section 77M(2)(a) of the Act must be accompanied by a fee of 20 fee units.

18 Fee for transfer of work authority

A request to transfer a work authority under section 77N of the Act must be accompanied by a fee of 13·7 fee units.

Part 4—Reporting

19 Annual report

- (1) This regulation applies to reports relating to the financial year commencing 1 July 2020 and later financial years.
- (2) For the purposes of section 116A(1) of the Act—
 - (a) an annual report, containing information set out in subregulation (3), of work done under the extractive industry work authority is prescribed information; and
 - (b) the form approved by the Department Head is the prescribed form for the annual report; and
 - (c) the times set out in subregulation (6) are the prescribed times for furnishing the annual report to the Minister.
- (3) For the purposes of subregulation (2)(a), the information is the following—
 - (a) the extractive industry work authority number to which the report relates;
 - (b) the period to which the report applies (*the reporting period*);
 - (c) the name and role of the person completing the report;
 - (d) whether stone has been extracted during the reporting period;
 - (e) whether extracted stone has been sold during the reporting period;
 - (f) the following details for each type of stone extracted during the reporting period—
 - (i) type of stone (selected from column 2 of Schedule 4 or list approved under subregulation (5));

- (ii) the density of the stone before extraction;
 - (iii) stratigraphic unit of the stone;
 - (iv) maximum depth of extraction of the stone;
 - (v) the quantity extracted (in cubic metres or tonnes);
- (g) the following details for each product type produced during the reporting period from extracted stone—
- (i) the type of stone (selected from column 2 of an item in Schedule 4 or list approved under subregulation (5)) from which the product was produced;
 - (ii) the product type (selected from column 3 of the corresponding item in Schedule 4 or list approved under subregulation (5));
 - (iii) the total useable quantity produced (in cubic metres or tonnes);
 - (iv) if the total useable quantity produced is reported in cubic metres, the density of the product;
 - (v) the value of total sales at gate;
- (h) the most recent stone resources estimate for the extractive industry work authority.
- (4) For the purposes of subregulation (3)(g)(v), the ***value of total sales at gate*** means—
- (a) the value of the product at the quarry gate, including any loading cost, less costs (if any) associated with freight or cartage outside the quarry site; or

- (b) if the product is, or is to be, used on the quarry site for the manufacture of another product, such as asphalt, concrete, bricks, tiles or cement products, an estimated value of the product prior to that use.
- (5) The Department Head may, for the purposes of regulation (3)(f) and (g), approve a list of stone types and associated product types by notice published in the Government Gazette.
- (6) For the purposes of subregulation (2)(c), the times are—
- (a) if the extractive industry work authority is in force—
 - (i) within 31 days after the end of each financial year; or
 - (ii) if the Minister has extended the period under subregulation (7) for a financial year, within the extended period; or
 - (b) if the extractive industry work authority is not in force, within 31 days after the extractive industry work authority ceases to be in force.
- (7) The Minister may extend the period by which information must be furnished for a financial year if the extractive industry work authority holder or former extractive industry work authority holder requests the extension within 31 days of the end of the financial year.

20 Information relating to reportable events at quarries

- (1) For the purpose of section 77KA(1) of the Act—
- (a) a report of a reportable event must be made either orally or in writing and must include—
 - (i) the date, time and place of the event; and
 - (ii) a description of the event; and
 - (iii) the steps taken to minimise the impact of the event; and
 - (b) if the Chief Inspector so requests, a written report of a reportable event must be given to the Chief Inspector as soon as practicable after the request and must include all of the following—
 - (i) the date, time and place of the event;
 - (ii) the details of the event, including the impact, or likely impact, of the event on public safety, the environment or infrastructure;
 - (iii) any known or suspected causes of the event;
 - (iv) details of the actions taken to minimise the impact of the event;
 - (v) details of actions taken or to be taken to prevent a recurrence of the event.
- (2) For the purpose of section 77KA(2) of the Act, the following events arising out of work under an extractive industry work authority are prescribed as reportable events—
- (a) an explosion or outbreak of fire;

- (b) slope failure, unexpected slope movement, progressive slope collapse or failure of slope stability control measures;
- (c) an injury to a member of the public caused by the carrying out of the extractive industry or associated operations;
- (d) an uncontrolled outburst of gas;
- (e) an unexpected or abnormal inrush of groundwater, other water or other fluid;
- (f) blasting that results in an ejection of fly rock outside the work plan area of the approved work plan for the extractive industry work authority;
- (g) an escape, spillage or leakage of a harmful or potentially harmful—
 - (i) substance; or
 - (ii) slurry; or
 - (iii) tailings;
- (h) a breach of a condition of the extractive industry work authority, or non-compliance with the approved work plan for the extractive industry work authority or the work plan conditions, that results or is likely to result in a risk to—
 - (i) the environment; or
 - (ii) any member of the public; or
 - (iii) property, land, or infrastructure in the vicinity of the work under the extractive industry work authority;
- (i) an abnormal event;
- (j) an event that results, or may result, in significant impacts on public safety, the environment or infrastructure.

(3) The holder of an extractive industry work authority who reports a reportable event must comply with the requirements of subregulation (1)(a).

Penalty: 20 penalty units.

(4) The holder of an extractive industry work authority must comply with a request of the Chief Inspector under subregulation (1)(b).

Penalty: 20 penalty units.

Part 5—Declared quarries

21 Stability requirements and processes for declared quarries

For the purposes of section 77G(3)(f) of the Act, the prescribed mine stability requirements and processes are the requirements and processes set out in Schedule 5.

22 Reporting requirements for declared quarries

- (1) This regulation applies to the holder of an extractive industry work authority relating to a declared quarry.
- (2) For the purposes of section 116A(1) of the Act—
 - (a) a report for each reporting period, containing information set out in subregulation (3) that relates to the declared quarry, is prescribed information; and
 - (b) the form approved by the Department Head is the prescribed form for the report; and
 - (c) the prescribed time for furnishing the report to the Minister is within 3 months after the end of the reporting period for which the report is furnished.
- (3) For the purposes of subregulation (2)(a), the information is—
 - (a) a description of activities taken in the reporting period to implement the control measures set out in the work plan in accordance with regulation 21 and clause 3 of Schedule 5; and
 - (b) the results of the monitoring carried out in the reporting period under the monitoring plan set out in the work plan in accordance with regulation 21 and clause 4 of Schedule 5; and

- (c) the outcomes of reviews relating to the declared quarry carried out in the reporting period under the work plan in accordance with regulation 21 and clause 5 of Schedule 5, taking into account—
 - (i) the implementation of control measures referred to in paragraph (a); and
 - (ii) the results of monitoring referred to in paragraph (b); and
 - (iii) any stability modelling undertaken; and
 - (iv) any significant changes in the operation of the declared quarry; and
 - (v) implications for the quarry design components; and
 - (d) any recommended changes to the work plan arising out of reviews carried out in the reporting period under the work plan in accordance with regulation 21 and clause 5 of Schedule 5.
- (4) In this regulation—
- reporting period*** means—
- (a) if the Minister nominates dates in writing to the holder of the extractive industry work authority for the purposes of reporting relating to the declared quarry, a period of 6 months ending on a date so nominated; or
 - (b) otherwise, a period of 6 months ending on 30 June or 31 December.

Part 6—Record keeping

23 Recording of activities undertaken under an extractive industry work authority

For the purpose of verifying information furnished to the Minister under section 116A(1) of the Act, the holder of an extractive industry work authority must keep a record of the activities undertaken under the extractive industry work authority.

Penalty: 20 penalty units.

24 Certain information to be kept at the worksite

The holder of an extractive industry work authority must ensure that—

- (a) a copy of the authority; and
- (b) any conditions that attach to the authority; and
- (c) the current approved work plan—

are kept at the worksite or other place where an extractive industry activity to which the authority relates is being carried out for the use and information of the manager of the extractive industry activity.

Penalty: 10 penalty units.

Part 7—Royalties

25 Prescribed rate and time of payment of royalties

- (1) For the purposes of section 12(3)(b) of the Act, the following rates of royalties for stone extracted from Crown land under an extractive industry work authority are prescribed—
 - (a) \$8.07 per m³ and \$3.23 per tonne for marble;
 - (b) \$8.07 per m³ and \$3.23 per tonne for stone in the form of dimension stone;
 - (c) \$1.43 per m³ and \$0.87 per tonne for all other stone.
- (2) For the purposes of section 12(3)(b) of the Act, the prescribed time for payment of royalties for stone extracted from Crown land under an extractive industry work authority is within 30 days after the date on which the Department Head receives the production and royalty return under regulation 26 for—
 - (a) the financial year in which that stone is sold or otherwise removed from the land in respect of which the extractive industry work authority is granted; or
 - (b) if that stone is intended for use in the manufacture of concrete, asphalt, bricks, tiles or cement products on the land in respect of which the extractive industry work authority is granted, the financial year in which that stone is extracted.
- (3) For the avoidance of doubt, in accordance with section 5AB of the Act, a reference in this regulation to Crown land includes the *leased area* within the meaning of clause 1 of the Agreement in Schedule 1 to the **Mines (Aluminium Agreement) Act 1961**.

(4) In this regulation—

*m*³ means a cubic metre of material in the form that is the loose measurement of the material sold, removed or extracted;

tonne means a tonne of material in the form that is the loose measurement of the material sold, removed or extracted.

26 Royalty return

(1) For the purposes of assessing or verifying the amount of royalties payable, the holder of an extractive industry work authority must, within 31 days of the end of each financial year, give to the Department Head a royalty return for the financial year that—

- (a) contains the information specified in subregulation (2); and
- (b) is in the form approved by the Department Head.

Penalty: 20 penalty units.

(2) For the purposes of subregulation (1), the information is—

- (a) the extractive industry work authority number and financial year to which the return relates; and
- (b) the quantity, in cubic metres or tonnes, of dimension stone for which royalties are payable in the financial year; and
- (c) the quantity, in cubic metres or tonnes, of marble for which royalties are payable in the financial year; and
- (d) the quantity, in cubic metres or tonnes, of other stone for which royalties are payable in the financial year.

27 Retention of records relating to royalties

- (1) For the purposes of assessing or verifying the amount of royalties payable, the holder of an extractive industry work authority must retain copies of records of sales and extractions for 6 years.

Penalty: 10 penalty units.

- (2) For the purposes of assessing or verifying the amount of royalties payable, the Department Head, or an officer of the Department authorised by the Department Head, may inspect the whole or any part of the books and records retained under subregulation (1).

Part 8—Infringements

28 Infringements

- (1) For the purposes of Part 12 of the Act, an offence set out in column 2 of an item in Schedule 6 is prescribed as an infringement offence.
- (2) For the purposes of section 106(3) of the Act, an infringement penalty specified in column 3 of an item in Schedule 6 is prescribed in respect of the infringement offence specified in column 2 of the corresponding item.

Part 9—Transitional provisions

29 Saving of annual report for the financial year ending 30 June 2020

Despite the revocation of the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010¹, regulation 11 of those Regulations, as in force immediately before its revocation, continues to apply in respect of an annual report for the financial year ending 30 June 2020.

30 Saving of royalty payments and royalty return for the financial year ending 30 June 2020

Despite the revocation of the Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010, regulations 17 and 18 of those Regulations, as in force immediately before their revocation, continue to apply in respect of—

- (a) the payment of royalties for the financial year ending 30 June 2020; and
- (b) the return showing the amount of stone on which royalties are payable in the financial year ending 30 June 2020.

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Schedule 1—Regulations revoked

Schedule 1—Regulations revoked

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
3/2010	Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010
154/2014	Mineral Resources (Sustainable Development) (Extractive Industries) Amendment Regulations 2014
150/2015	Mineral Resources (Sustainable Development) (Extractive Industries) Amendment (Risk-Based Work Plans) Regulations 2015

Schedule 2—Fees for work plans

Regulations 6 and 13

1 Definitions

(1) In this Schedule—

EES work plan means a work plan or variation to a work plan for work in respect of which an Environment Effects Statement is prepared under the **Environment Effects Act 1978**;

SE work plan means a work plan or variation to a work plan for work in respect of which a planning permit is required;

sensitive location, in relation to a quarry, means—

- (a) a residence, school, kindergarten, aged care facility, hospital, childcare centre or community facility; or
- (b) a place or class of places declared under subclause (2) to be a sensitive location—

but does not include any premises that are owned or occupied by the person who lodges a work plan or applies to vary a work plan in relation to the work to be carried out in that quarry.

(2) The Minister, by notice published in the Government Gazette, may declare a place or class of places to be a sensitive location for the purposes of this Schedule.

(3) In determining the perimeter of the area for the purposes of this Schedule, any buffer zone in or in relation to that area is to be excluded.

Schedule 2—Fees for work plans

2 Fee for lodgement of work plan

The fee for lodging a work plan under section 77G(1) of the Act for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	123.4 fee units	N/A
2	Quarry with no blasting involved and no sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	308.4 fee units	1233.8 fee units
3	Quarry with no blasting involved and one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	370.1 fee units	1233.8 fee units
4	Quarry with blasting involved and no sensitive locations within 500 metres of the perimeter of the area covered by the work plan (excluding any buffer zones)	308.4 fee units	1233.8 fee units
5	Quarry with blasting involved and one or more sensitive locations within 500 metres of the perimeter	740.3 fee units	2467.5 fee units

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Schedule 2—Fees for work plans

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
Item	Category	Fee	
		SE work plan	EES work plan
	of the area covered by the work plan (excluding any buffer zones)		

3 Fee for varying a work plan

The fee for lodging an application under section 77H(1)(a) of the Act to vary a work plan for an extractive industry to be carried out under a category of extractive industry work authority or in a category of quarry specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
1	Extractive industry work authority granted over an area of less than 5 hectares	114.4 fee units	N/A	38.1 fee units
2	Quarry with no blasting involved and no sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	305 fee units	1143.8 fee units	95.3 fee units

Authorised by the Chief Parliamentary Counsel

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Schedule 2—Fees for work plans

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
Item	Category	Fee		
		SE work plan	EES work plan	Other work plan
3	Quarry with no blasting involved and one or more sensitive locations within 200 metres of the perimeter of the area covered by the application (excluding any buffer zones)	381.3 fee units	1143.8 fee units	114.4 fee units
4	Quarry with blasting involved and no sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	305 fee units	1143.8 fee units	95.3 fee units
5	Quarry with blasting involved and one or more sensitive locations within 500 metres of the perimeter of the area covered by the application (excluding any buffer zones)	762.5 fee units	2287.5 fee units	228.8 fee units

Schedule 3—Annual fee for extractive industry work authority

Regulation 16

The annual fee for an extractive industry work authority for a financial year are specified in the following table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Value of total sales at gate of the total useable quantity of product produced under the extractive industry work authority	Fee
1	\$0 to \$100 000	27.9 fee units
2	\$100 001 to \$500 000	55.8 fee units
3	\$500 001 to \$1 000 000	111.5 fee units
4	\$1 000 001 to \$5 000 000	446.2 fee units
5	\$5 000 001 to \$10 000 000	669.2 fee units
6	More than \$10 000 000	836.6 fee units

Note

The total useable quantity of product produced under the extractive industry work authority and the value of total sales at gate is reported annually in accordance with regulation 19.

Schedule 4—Stone types and associated product types

**Schedule 4—Stone types and associated
product types**

Regulation 19

<i>Column 1</i> Item	<i>Column 2</i> Stone Types	<i>Column 3</i> Product Types
1	Basalt Old Basalt New Trachyte Dolerite Granite (incl. granodiorite, porphyry, microgranites) Rhyodacite (incl. dacite, rhyolite) Scoria Tuff Gneiss Hornfels Marble Quartzite Schist Slate Sedimentary (usually rippable rocks incl. sandstone, shale, siltstone chert, mudstone, claystone)	Aggregate (i.e. aggregate, rail ballast, filler material) single size screenings such as concrete Road Base (Class 1 and 2 crushed rock (CR)) Road Sub-Base (incl. Class 3 and 4 CR, NDCR and track material) Fill (incl. scalplings, spalls) Armour (incl. beaching) Dimension stone
2	Limestone (incl. limesand)	Road Base Class 1 and 2 crushed rock (CR) Road Class Sub-Base (Class 3 and 4 CR, NDCR and track material) Fill (incl. scalplings, spalls) Dimension stone Cement Agriculture Lime Flux Industrial filters

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Schedule 4—Stone types and associated product types

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Stone Types	Product Types
3	Sand and gravel (naturally occurring gravels, not crushed sedimentary rocks)	Aggregate (i.e. single size screenings such as concrete aggregate filter materials) Road Base (Class 1 and 2 crushed rock (CR)) Road Sub-Base (include Class 3 and 4 CR, NDCR and track material) Fill (incl. scalplings, spalls) Concrete sand Fine sand (brick, packing bedding, plaster, asphalt) Foundry sand Glass sand Industrial (silica flour, fibre glass, ceramics, etc.)
4	Clay and clay shale	Brick (incl. pavers) Tile/pipe Firebricks Stoneware (incl. pottery, whiteware) Fill
5	Soil	
6	Peat	

Schedule 5—Stability requirements and processes for declared quarries

Regulation 21

- 1 Any geological information, in addition to that provided under regulation 7, that is relevant to the stability of the declared quarry, including a plan showing cross-sections and long sections of the proposed extraction area of the declared quarry.
- 2 An assessment of the geotechnical and hydrogeological risks for the declared quarry.
- 3 A description of the control measures that will be implemented to eliminate or reduce the geotechnical or hydrogeological risks to an acceptable level including—
 - (a) a description of any proposed groundwater control system; and
 - (b) particulars of other measures to ensure the stability of the quarry, associated infrastructure and adjacent land.
- 4 A plan for monitoring the stability and groundwater management of the declared quarry.
- 5 A description of the process for reviews of the assessment, plan, actions and control measures referred to in this Schedule relating to the declared quarry.

Schedule 6—Infringements

Regulation 28

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Infringement Offence	Infringement Penalty
1	An offence under section 8AA(a) of the Act	10 penalty units
2	An offence under section 8AA(b) of the Act	10 penalty units
3	An offence under section 8AB(1) of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
4	An offence under section 8AB(2) of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
5	An offence under section 77Q(1) of the Act	5 penalty units
6	An offence under section 77Q(2) of the Act	5 penalty units
7	An offence under section 80(4A) of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
8	An offence under section 80(6) of the Act	60 penalty units in the case of a corporation or 12 penalty units in any other case
9	An offence under section 81(3)(b) of the Act	2 penalty units
10	An offence under section 95J(3) of the Act	15 penalty units in the case of a corporation or 3 penalty units in any other case
11	An offence under section 95O(2) of the Act	15 penalty units in the case of a corporation or 3 penalty units in any other case

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Schedule 6—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Infringement Offence	Infringement Penalty
12	An offence under section 95R(2)(a) of the Act	30 penalty units in the case of a corporation or 6 penalty units in any other case
13	An offence under section 110(3) of the Act	30 penalty units in the case of a corporation or 6 penalty units in any other case
14	An offence under section 116A(1) of the Act	2 penalty units
15	An offence under regulation 20(3)	5 penalty units
16	An offence under regulation 20(4)	5 penalty units
17	An offence under regulation 23	5 penalty units
18	An offence under regulation 24	2 penalty units
19	An offence under regulation 26(1)	5 penalty units
20	An offence under regulation 27(1)	2 penalty units

Endnotes

¹ Reg. 29: S.R. No. 3/2010 as amended by S.R. Nos 154/2014 and 150/2015.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2019 is \$165.22.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.