

Changes to the extractive industries regulations

INFRINGEMENTS



From 26 January 2020, changes to the infringements for extractive industries apply. These changes are aimed at building public confidence and supporting operators who do the right thing.

What are the changes?

New infringement offences have been created and compliance officers from Earth Resources Regulation are now able to issue infringement notices for some offences which previously required full criminal prosecutions.

Existing infringement offences have also been changed. These changes include extensions to cover persons as well as corporations, and changes to penalty units.

All extractive industry infringement offences that will apply from 26 January 2020 are shown below. For a current list of fees and penalties please visit djpr.vic.gov.au

Extractive industry infringements offences.

Infringement offence	Section of the Act
Searching for stone without consent – on Crown land	8AA(a)
Searching for stone without consent – on private land	8AA(b)
Extractive industry without a work authority	8AB(1)
Extractive industry outside of the work authority or approved work plan	8AB(2)
Operating without an appointed quarry manager	77Q
Failure to provide a further rehabilitation bond	80(4A)
Failure to stop work until a further rehabilitation bond is provided	80(6)
Failure to appoint a quarry manager during rehabilitation	81(3)(b)
Failure to comply with terms or conditions on return of a thing	95J(3)

Infringement offence	Section of the Act
Failure to allow access to a worksite to a person providing assistance to an inspector	95O(2)
Failure to comply with any lawful request from, or to mislead an inspector	95R(2)(a)
Failure to comply with a notice	110(3)
Failure to provide information relating to work undertaken	116A(1)

Infringement offence	Regulation
Failure to meet report requirements for a reportable event	20(3)
Failure to provide a written report of the reportable event	20(4)
Failure to keep records of work undertaken to verify reports	23
Failure to keep the work authority, conditions and approved work plan onsite for use of the quarry manager	24
Failure to submit a royalty return in the correct form with the required information, within 31 days of end of financial year	26(1)
Failure to keep records of sales and extractions for six years, to verify royalties payable	27(1)

Who do the changes impact?

The changes will impact anyone undertaking extractive industry activities in Victoria who fails to comply with the *Mineral Resources (Sustainable Development) Act 1990* or the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019*.

For further information

earthresources.vic.gov.au/extractivesregs

You can also subscribe to Earth Resources Regulation's email newsletter by contacting ERRfeedback@djpr.vic.gov.au.

This document is available in an accessible format at earthresources.vic.gov.au/extractivesregs