

# **Mineral Resources Development (Further Amendment) Bill**

**No.**

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LEGISLATIVE ASSEMBLY

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Read 1°

(*Brought in by* )

A BILL

to amend the **Mineral Resources Development Act 1990** and for other purposes.

**Mineral Resources Development  
(Further Amendment) Act 1994**

The Parliament of Victoria enacts as follows:

**1. *Purposes***

5 The purposes of this Act are to amend the definition of “mineral” in the **Mineral Resources Development Act 1990** and to clarify the application of section 43 of that Act.

**2. *Commencement***

(1) This Act (except section 6) comes into operation on the day on which it receives the Royal Assent.

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

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(2) Section 6 is deemed to have come into operation on 17 January 1994.

No. 92/1990.  
Amended by  
Nos 27/1991,  
86/1993 and  
126/1993.

**3. *Principal Act***

In this Act, the **Mineral Resources Development Act 1990** is called the Principal Act.

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**4. *Definition of “mineral”***

In section 4 (1) of the Principal Act, in paragraph (a) of the definition of “mineral” after sub-paragraph (ii) **insert—**

“; and

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(iii) any substance specified in Schedule 4;”.

**5. *New Schedule 4 inserted***

After Schedule 3 to the Principal Act **insert—**

**“SCHEDULE 4**

**MINERALS**

1. Bentonite.
2. Fine clay.
3. Kaolin.
4. Lignite.
5. Minerals in alluvial form including those of titanium, zirconium, rare earth elements and platinoid group elements.
6. Peat.
7. Quartz crystals.
8. Zeolite.”.

**6. *Exploration***

In section 43 of the Principal Act—

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(a) in sub-section (3) for “a licensee” **substitute** “the holder of an exploration licence or mining licence”;

- (b) in sub-section (4) for “a licence” substitute “an exploration licence or mining licence”;
- (c) in sub-section (5) for “a licence” substitute “an exploration licence or mining licence”.

5            **7. Transitional provision**

In Schedule 2 to the Principal Act, after clause 12 insert—

“13. (1) In this clause—

10            (a) “**extractive industry title**” means a lease, licence or permit—

15            (i) granted or issued under the **Extractive Industries Act 1966** and in force in respect of a substance immediately before that substance became a mineral within the meaning of this Act; or

20            (ii) granted or issued in respect of a substance under that Act on an extractive industry title application after that substance became a mineral within the meaning of this Act;

25            (b) “**extractive industry title application**” means an application for the grant or issue of a lease, licence or permit under the **Extractive Industries Act 1966** in respect of a substance where the application is made before, but not determined at, the date on which that substance became a mineral within the meaning of this Act;

30            (c) a reference to a substance becoming a mineral within the meaning of this Act is a reference to it becoming such a mineral by virtue of being specified in Schedule 4 to this Act.

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- (2) The fact that a substance has become a mineral within the meaning of this Act does not disturb the continuity of status, operation or effect of—
- (a) an extractive industry title; or 5
  - (b) an extractive industry title application; or
  - (c) an application for the assignment, transfer, consolidation, variation or renewal of an extractive industry title; or 10
  - (d) any right to make an application of a kind referred to in paragraph (c); or
  - (e) an assignment of an interest in an extractive industry title application or any right to make such an assignment. 15
- (3) An extractive industry title may be varied, renewed, assigned, transferred, consolidated, suspended, cancelled or revoked in accordance with the **Extractive Industries Act 1966** as if the substance to which the title applies were not a mineral within the meaning of this Act.” 20