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**Minerals (Submerged Lands) Act 1981**

**No. 81 of 1981**

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**Minerals (Submerged Lands) Act 1981**

**No. 81 of 1981**

**An Act relating to the recovery of minerals, other than petroleum, from the continental shelf of Australia and of certain Territories of the Commonwealth**

[*Assented to 18 June 1981*]

WHEREAS in accordance with international law Australia as a coastal state has sovereign rights over the continental shelf beyond the limits of Australian territorial waters for the purpose of exploring it and exploiting its natural resources:

AND WHEREAS Australia is a party to the Convention on the Continental Shelf signed at Geneva on 29 April 1958 in which those rights are defined:

AND WHEREAS, by the *Seas and Submerged Lands Act* 1973, it is declared and enacted that the sovereignty in respect of the territorial sea of Australia and in respect of the airspace over it and in respect of its sea-bed and subsoil, and in respect of certain internal waters of Australia and in respect of the airspace over those waters and in respect of the sea-bed and subsoil beneath those waters, is vested in and exercisable by the Crown in right of the Commonwealth:

AND WHEREAS the Parliaments of the States and the Legislative Assembly of the Northern Territory have certain legislative powers in respect of the sea-bed and subsoil referred to in the last preceding paragraph and the

Parliament of the Commonwealth has vested in the Crown in right of each of the States and the Crown in right of the Northern Territory certain proprietary rights in respect of that sea-bed and subsoil:

AND WHEREAS it has been agreed between the Commonwealth, the States and the Northern Territory that—

(a) legislation of the Parliament of the Commonwealth in respect of the exploration for and the exploitation of the mineral resources of submerged lands should be limited to the resources of lands beneath waters that are beyond the outer limits of the territorial sea adjacent to the States and the Northern Territory (being outer limits based, unless and until otherwise agreed, on the breadth of that sea being 3 nautical miles), and that the States and the Northern Territory should share, in the manner provided in this Act, in the administration of that legislation;

(b) legislation of the Parliament of each State should apply in respect of the exploration for and the exploitation of the mineral resources of such part of the submerged lands in an area adjacent to the State as is on the landward side of the waters referred to in paragraph (a);

(c) legislation of the Legislative Assembly of the Northern Territory should apply in respect of the exploration for and the exploitation of the mineral resources of such part of the submerged lands in an area adjacent to the Northern Territory as is on the landward side of the waters referred to in paragraph (a); and

(d) the Commonwealth, the States and the Northern Territory should endeavour to maintain, as far as practicable, common principles, rules and practices in the regulation and control of the exploration for and the exploitation of the mineral resources of all the submerged lands referred to above that are on the seaward side of the inner limits of the territorial sea of Australia:

BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**PART I—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the *Minerals* (*Submerged Lands*) *Act* 1981.

**Commencement**

**2.** This Act shall come into operation on a date to be fixed by Proclamation.

**Interpretation**

**3. (1)** In this Act, unless the contrary intention appears—

“adjacent area” means an adjacent area in respect of a State or Territory referred to in section 4 and “the adjacent area” means the adjacent area in respect of the State or Territory concerned;

“applied provisions” means—

(a) in relation to a State—the provisions applied in accordance with section 14; and

(b) in relation to a Territory—the laws and instruments applied in accordance with section 16;

“approved” means approved by the Designated Authority;

“associated Act’ means—

(a) the *Minerals* (*Submerged Lands*)(*Exploration Permit Fees*) *Act* 1981;

(b) the *Minerals* (*Submerged Lands*)(*Production Licence Fees*) *Act* 1981;

(c) the *Minerals* (*Submerged Lands*)(*Registration Fees*) *Act* 1981;

(d) the *Minerals* (*Submerged Lands*)(*Royalty*) *Act* 1981; or

(e) the *Minerals* (*Submerged Lands*)(*Works Authority Fees*) *Act* 1981;

“block” means a block constituted as provided by section 21 or 98;

“Commonwealth Minister” means the Minister for the time being administering this Act, and includes another Minister for the time being acting for and on behalf of that Minister;

“continental shelf” means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia (including the coast of any island forming part of a State or Territory) or of a Territory;

“Convention” means the Convention entitled “Convention on the Continental Shelf” signed at Geneva on 29 April 1958;

“Designated Authority”, in relation to—

(a) an act, matter, circumstance or thing touching, concerning, arising out of or connected with—

(i) the exploration of the sea-bed or subsoil of an adjacent area, or of part of an adjacent area, for minerals; or

(iii) the exploitation of the natural resources, being minerals, of that sea-bed or subsoil; or

(b) minerals recovered in an adjacent area, means the Designated Authority in respect of that adjacent area;

“document” includes any map, book, record or writing;

“graticular section” means a section referred to in section 21;

“inspector” means a person appointed under section 80;

“Joint Authority”, in relation to—

(a) an act, matter, circumstance or thing touching, concerning, arising out of or connected with—

(i) the exploration of the sea-bed or subsoil of an adjacent area, or of part of an adjacent area, for minerals; or

(ii) the exploitation of the natural resources, being minerals, of that sea-bed or subsoil; or

(b) minerals recovered in an adjacent area, means the Joint Authority established by this Act in respect of that adjacent area;

“licence” means a production licence under Part IV;

“licence area” means the blocks that are the subject of a licence;

“licensee” means the registered holder of a licence;

“mineral” means a naturally occurring substance or mixture of substances that may be recovered from the sea-bed or subsoil in an adjacent area and, without limiting the generality of the foregoing, includes sand, gravel, clay, limestone, rock, evaporates, shale, oil-shale and coal, but does not include petroleum;

“natural resources” has the same meaning as in the Convention;

“Northern Territory Minister” means the Minister of the Northern Territory who is for the time being authorized under the law of the Northern Territory to perform the functions of a Designated Authority under this Act;

“permit” means an exploration permit under Part IV;

“permit area” means the blocks that are the subject of a permit;

“permittee” means the registered holder of a permit;

“petroleum” means—

(a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;

(b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(c) any naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid or solid state, and 1 or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide,

and includes any petroleum as denned by paragraph (a), (b) or (c) that has been returned to a natural reservoir in an adjacent area;

“Register” means a Register kept in pursuance of Division 5 of Part IV and “the Register”, in relation to the Designated Authority in respect of an adjacent area, means the Register so kept by that Designated Authority;

“registered holder”, in relation to a permit, licence or works authority, means the person whose name is for the time being shown in the Register as that of the holder of the permit, licence or works authority;

“Registration Fees Act” means the *Minerals* (*Submerged Lands*)(*Registration Fees*) *Act* 1981;

“relevant licence”, in relation to a works authority, means the licence that is the relevant licence in relation to that works authority for the purposes of sub-section 39 (1);

“relevant permit”, in relation to a works authority, means the permit that is the relevant permit in relation to that works authority for the purposes of sub-section 39 (1);

“Royalty Act” means the *Minerals* (*Submerged Lands*)(*Royalty*) *Act* 1981;

“State Minister”, in relation to a State, means the Minister of the State who is for the time being authorized under the law of the State to perform the functions of a Designated Authority under this Act;

“Territory” means Territory in which this Act applies or to which this Act extends;

“vessel” means a vessel used in navigation, other than air navigation, and includes a barge, lighter or other floating vessel;

“works authority” means a works authority under Part IV.

(**2**) In this Act, a reference to the term of a permit, licence or works authority is a reference to the period during which the permit, licence or works authority remains in force and a reference to the date of expiration of a permit, licence or works authority is a reference to the day on which the permit, licence or works authority ceases to have effect.

**(3)** In this Act, a reference to a year of the term of a permit, licence or works authority is a reference to a period of 1 year commencing on the date from and including which the permit, licence or works authority, as the case may be, has effect or on any anniversary of that date.

**(4)** In this Act, a reference to the renewal, or to the grant of a renewal, of a permit is a reference to the grant of a permit in respect of some of the blocks specified in the first-mentioned permit to commence on the day after the date of expiration of the first-mentioned permit or on the day after the date of expiration of the permit granted upon a previous renewal of the first-mentioned permit.

**(5)** In this Act, a reference to the renewal, or to the grant of a renewal, of a licence in respect of the blocks specified in the licence is a reference to the grant of a licence in respect of those blocks to commence on the day after the date of expiration of the first-mentioned licence or on the day after the date of expiration of the licence granted upon a previous renewal of the first-mentioned licence.

(**6**) In this Act, a reference to a permit, licence or works authority is a reference to the permit, licence or works authority as varied for the time being under this Act.

**(7)** In this Act, a reference to a block includes a reference to the subsoil beneath the block.

**(8)** For the purposes of this Act, a person who has recovered any material from which minerals may be obtained shall be deemed to have recovered those minerals.

**Adjacent areas**

**4.** (**1**)For the purposes of this Act, the adjacent area in respect of a State or Territory is the area that is, for the time being, the adjacent area in respect of that State or Territory for the purposes of the *Petroleum* (*Submerged Lands*) *Act* 1967.

**(2)** This Act, and the associated Acts, have effect in relation to so much of the adjacent area in respect of the Territory of Ashmore and Cartier Islands as consists of land as though that land were beneath the sea and were a portion of the sea-bed and subsoil of that adjacent area.

**Spaces above and below adjacent areas**

**5.** For the purposes of this Act and the regulations—

(a) the space above or below an adjacent area shall be deemed to be in that area; and

(b) the space above or below an area that is part of an adjacent area shall be deemed to be in that part.

**Extension to certain Territories**

**6.** This Act extends to the Territory of Ashmore and Cartier Islands, Norfolk Island and the Territory of Heard and McDonald Islands.

**Application of Act**

**7.** (**1**)This Act applies to all natural persons, whether Australian citizens or not, and whether resident in Australia or a Territory or not, and to all corporations, whether incorporated or carrying on business in Australia or a Territory or not.

**(2)** This Act does not apply to or in relation to—

(a) the exploration of the subsoil below the sea-bed of an adjacent area in respect of any State or Territory for minerals; or

(b) the exploitation of the natural resources, being minerals, of that subsoil,

by means of subterranean mining from land within the limits of that State or Territory under and in accordance with the law of that State or Territory.

**PART II—THE JOINT AUTHORITIES**

**Establishment of Joint Authorities**

**8.** (**1**)For the purposes of this Act, there is established in respect of the adjacent area in respect of each State a Joint Authority consisting of the Commonwealth Minister and the State Minister.

**(2)** The Joint Authority in respect of the adjacent area in respect of New South Wales shall be known as the Commonwealth-New South Wales Offshore Minerals Joint Authority, and the Joint Authority in respect of the adjacent area in respect of each other State shall have a corresponding name.

**(3)** For the purposes of this Act, there is established in respect of the adjacent area in respect of the Northern Territory a Joint Authority consisting of the Commonwealth Minister and the Territory Minister, and that Joint Authority shall be known as the Commonwealth-Northern Territory Off-shore Minerals Joint Authority.

**Acting Ministers**

**9.** (**1**)The functions and powers of the Commonwealth Minister under this Part, including his functions and powers as a member of a Joint Authority, may be performed and exercised by another Minister of the Commonwealth acting for and on behalf of the Commonwealth Minister, and references in this Part to the Commonwealth Minister or to the members of a Joint Authority shall be read as including references to a Minister so acting.

**(2)** The functions and powers of the State Minister of a State or of the Northern Territory Minister under this Part as a member of a Joint Authority may be performed and exercised by a Minister of the State or of the Northern Territory acting for and on behalf of the State Minister or the Northern Territory Minister, and references in this Part to the State Minister, the Northern Territory Minister or the Members of a Joint Authority shall be read as including references to a Minister so acting.

**Functions of Joint Authorities**

**10.** A Joint Authority has such functions as are conferred on it by this Act in relation to the operation of this Act in respect of the adjacent area in respect of which the Joint Authority is established.

**Procedure of Joint Authorities**

**11.** (**1**) The business of a Joint Authority may be conducted at meetings of the Joint Authority or by written or other communication between the members of the Joint Authority.

**(2)** If the members of a Joint Authority disagree with respect to the decision to be made on a matter within the functions of the Joint Authority or the State Minister or the Northern Territory Minister (as the case may be) has not stated to the Commonwealth Minister his opinion as to the decision to be made on such a matter after having been given by the Commonwealth Minister not less than 30 days’ notice in writing of the opinion of the Commonwealth Minister as to the decision that should be made on the matter, the Commonwealth Minister may decide the matter and that decision shall have effect as the decision of the Joint Authority.

**(3)** A reference in this Act to the opinion or state of mind of the Joint Authority shall be read as a reference to the opinion or state of mind of the 2 members of the Joint Authority or, in the event of their disagreement, the opinion or state of mind of the Commonwealth Minister.

**(4)** The Designated Authority shall cause written records to be kept of the decisions of a Joint Authority and such a record, if signed by a person who was a member of the Joint Authority at the time of the decision, is *prima facie* evidence that the decision, as recorded, was duly made.

**(5)** A document signed, on behalf of the Joint Authority, by the Designated Authority shall be deemed to be duly executed by the Joint Authority and, unless the contrary is proved, shall be deemed to be in accordance with adecision of the Joint Authority.

(**6**) All communications to or by the Joint Authority shall be made through the Designated Authority.

**(7)** All courts shall take judicial notice of the signature of a person who is or has been a member of a Joint Authority and of the fact that he is, or was at a particular time, such a member.

**(8)** In this section, “court” includes any Federal or State court or a court of a Territory and all persons authorized by the law of the Commonwealth, of a State, or of a Territory or by consent of parties to receive evidence.

**Notification by Designated Authority of decisions by Joint Authority**

**12.** Where, under this Act, any instrument is required or permitted to be executed or issued by the Joint Authority or any action is required or permitted to be taken by the Joint Authority by way of notification, communication or service of any matter or instrument, that instrument shall be executed or issued, or that action shall be taken, by the Designated Authority on behalf of the Joint Authority in accordance with a decision of the Joint Authority and, for the purposes of any proceedings, any instrument executed or issued by the Designated Authority, or any action taken by the Designated Authority by way of notification, communication or service of any matter or instrument, purporting to be executed, issued or taken on behalf of the Joint Authority, shall, unless the contrary is proved, be deemed to be in accordance with a decision of the Joint Authority.

**Certain Territories**

**13.** (**1**)The Designated Authority in respect of the adjacent area in respect of a Territory referred to in section 6 has, and may perform and exercise, in relation to that adjacent area, all the functions and powers conferred by this Act, or by an associated Act, upon the Joint Authority in respect of the adjacent area in respect of a State and, for the purpose of the performance of those functions and the exercise of those powers by that Designated Authority—

(a) a reference in this Act other than in this Part, or in an associated Act, to the Joint Authority in respect of an adjacent area shall be read as a reference to that Designated Authority; and

(b) a reference in this Act other than in this section, or in an associated Act, to a State in relation to which the Joint Authority in respect of an adjacent area is established shall be read as a reference to that Territory.

**(2)** The provisions of this Part, other than this section, have no application in relation to the adjacent area in respect of a Territory referred to in section 6.

**PART III—APPLICATION OF LAWS**

**Application of laws in areas adjacent to States**

**14. (1)** Subject to this Act and the regulations, the provisions of the laws, whether written or unwritten, in force in a State for the time being (other than laws of the Commonwealth), and the provisions of any instrument having effect under any of those laws, apply, as provided by this section, in the adjacent area and so apply as if that area were part of that State and of the Commonwealth.

**(2)** The laws referred to in sub-section (1) do not include laws that are criminal laws within the meaning of the *Crimes at Sea Act* 1979, but nothing in this Act derogates from the operation of that Act.

**(3)** A law shall be taken to be a law in force in a State notwithstanding that that law applies to part only of the State.

**(4)** The provisions referred to in sub-section (1) apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for minerals and the exploitation of the natural resources, being minerals, of that sea-bed or subsoil.

**(5)** Without limiting the operation of sub-section (4), the provisions referred to in sub-section (1) apply—

(a) to and in relation to—

(i) an act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) a matter, circumstance or thing that exists or arises with respect to or in connection with,

a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for minerals or the exploitation of the natural resources, being minerals, of that sea-bed or subsoil;

(b) to and in relation to a person who—

(i) is in the adjacent area for a reason of the kind referred to in paragraph (a); or

(ii) is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of the kind referred to in paragraph (a); and

(c) to and in relation to a person in respect of his carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).

**(6)** This section does not—

(a) give to the provisions of a law of a State an operation, as law of the Commonwealth, that they would not have, as law of the State, if the adjacent area were within the part of the area described in Schedule 2 to the *Petroleum* (*Submerged Lands*) *Act* 1967 under the heading that refers to that State that is on the landward side of the adjacent area;

(b) extend to the provisions of any law or instrument in so far as those provisions, as applied by this Act, would be inconsistent with a law of the Commonwealth, including this Act;

(c) apply so as to impose any tax;

(d) apply so as to confer or purport to confer any part of the judicial power of the Commonwealth on a court, tribunal, authority or officer of a State; or

(e) apply so as to purport to confer on a court of a State any power that cannot, under the Constitution, be conferred by the Parliament on such a Court.

**(7)** This section does not limit the operation that any law or instrument has apart from this section.

**(8)** The regulations may provide that such of the provisions referred to in sub-section (1) as are specified in the regulations do not apply by reason of this section or so apply with such modifications as are specified in the regulations.

(**9**) For the purposes of sub-section (8), “modification” includes the omission or addition of a provision or the substitution of a provision for another provision.

**(10)** Notwithstanding anything in this section or in section 15, the regulations that may be made for the purposes of sub-section (8) include regulations having the effect that provisions as modified by the regulations make provision for and in relation to investing a court of a State with federal jurisdiction.

**Jurisdiction of State courts**

**15. (1)** Except as otherwise prescribed, the several courts of a State are invested with federal jurisdiction in all matters arising under the applied provisions having effect in accordance with section 14 in the adjacent area.

**(2)** The jurisdiction with which courts are invested by sub-section (1) is invested within the limits, other than limits having effect by reference to localities, of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

**Application of laws in areas adjacent to Territories**

**16. (1)** Subject to this Act, the laws, whether written or unwritten, in force in a Territory for the time being (other than laws of the Commonwealth), and any instrument having effect under any of those laws, apply, as provided by this section, in the adjacent area and so apply as if that area were part of that Territory.

**(2)** The laws referred to in sub-section (1) do not include laws that are criminal laws within the meaning of the *Crimes at Sea Act* 1979, but nothing in this Act derogates from the operation of that Act.

(**3**) A law shall be taken to be a law in force in a Territory notwithstanding that that law applies to part only of that Territory.

**(4)** The laws and instruments referred to in sub-section (1) apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for minerals and the exploitation of the natural resources, being minerals, of that sea-bed or subsoil.

**(5)** Without limiting the operation of sub-section (4), the laws and instruments referred to in sub-section (1) apply—

(a) to and in relation to—

(i) an act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) a matter, circumstance or thing that exists or arises with respect to or in connection with,

a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for minerals or the exploitation of the natural resources, being minerals, of that sea-bed or subsoil;

(b) to and in relation to a person who—

(i) is in the adjacent area for a reason of the kind referred to in paragraph (a); or

(ii) is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of the kind referred to in paragraph (a); and

(c)to and in relation to a person in respect of his carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).

**(6)** This section does not—

(a) give to the provisions of a law of the Northern Territory an operation, as law of the Commonwealth, that they would not have, as law of the Territory, if the adjacent area were within the part of the area described in Schedule 2 to the *Petroleum* (*Submerged Lands*) *Act* 1967 under the heading that refers to that Territory that is on the landward side of the adjacent area;

(b) extend to the provisions of any law or instrument in so far as those provisions, as applied by this Act, would be inconsistent with a law of the Commonwealth, including this Act;

(c) apply so as to impose any tax;

(d) apply so as to appropriate any public moneys of a Territory; or

(e) apply so as to confer or purport to confer any part of the judicial power of the Commonwealth on a court, tribunal, authority or officer of a Territory.

**(7)** This section does not limit the operation that any law or instrument has apart from this section.

**(8)** The regulations may provide that such of the laws or instruments referred to in sub-section (1) as are specified in the regulations do not apply by reason of this section or so apply with such modifications as are specified in the regulations.

**(9)** For the purposes of sub-section (8), “modification” includes the omission or addition of a provision or the substitution of a provision for another provision.

**Jurisdiction of Territory courts**

**17. (1)** Jurisdiction is conferred on the several courts having jurisdiction in a Territory in all matters arising under the applied provisions having effect in accordance with section 16 in the adjacent area.

**(2)** The jurisdiction conferred on courts by sub-section (1) is conferred within the limits, other than limits having effect by reference to localities, of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

**Parts IV and V not affected by this Part**

**18.** Parts IV and V have effect notwithstanding anything in this Part.

**PART IV—MINING**

***Division 1—Preliminary***

**Designated Authorities**

**19. (1)** For the purposes of this Act, there shall be, in respect of each adjacent area, a Designated Authority.

**(2)** The Designated Authority in respect of the adjacent area in respect of a State is the State Minister.

**(3)** The functions and powers of a State Minister as Designated Authority may be performed and exercised by another State Minister acting for and on behalf of that Minister.

**(4)** The Designated Authority in respect of the adjacent area in respect of a Territory referred to in section 6 is the Minister.

**(5)** The Designated Authority in respect of the adjacent area in respect of the Northern Territory is the Northern Territory Minister.

**(6)** The functions and powers of the Northern Territory Minister as Designated Authority may be performed and exercised by another Northern Territory Minister acting for and on behalf of that Minister.

**Delegation**

**20.** **(1)** A Designated Authority may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act, the associated Acts or the regulations, other than this power of delegation.

**(2)** A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, or of an associated Act or the regulations, be deemed to have been exercised by the Designated Authority.

**(3)** A delegation under this section may be expressed as a delegation to the person for the time being holding, or performing the duties of, a specified office under the Commonwealth, a State or a Territory.

**(4)** A delegation under this section made by a person holding an office of Designated Authority continues in force notwithstanding a vacancy in that office or change in the identity of the holder of that office, but such a delegation may be revoked by the same or a subsequent holder of that office.

**(5)** A delegation under this section does not prevent the exercise of a power by the Designated Authority.

**(6)** A copy of each instrument making, varying or revoking a delegation under this section shall be published in the *Gazette.*

**Graticulation of Earth’s surface and constitution of blocks**

**21. (1)** For the purposes of this Act, the surface of the Earth shall be deemed to be divided—

(a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 1 minute, or a multiple of 1 minute, of longitude; and

(b) by the equator and by parallels of latitude that are at a distance from the equator of 1 minute, or a multiple of 1 minute, of latitude,

into sections, each of which is bounded—

(c) by portions of 2 of those meridians that are at a distance from each other of 1 minute of longitude; and

(d) by portions of 2 of those parallels of latitude that are at a distance from each other of 1 minute of latitude.

**(2)** For the purposes of this Act—

(a) the sea-bed beneath a graticular section that is wholly within an adjacent area constitutes a block; and

(b) if a part only of a graticular section is, or parts only of a graticular section are, within an adjacent area, the sea-bed beneath that part, or those parts, of that graticular section constitutes a block.

**Reservation of blocks**

**22. (1)** The Joint Authority may, by instrument published in the *Gazette,* declare that a block specified in the instrument (not being a block in respect of which a permit, licence or works authority is in force) shall not be the subject of a permit, licence or works authority.

**(2)** While a declaration under sub-section (1)remains in force in respect of a block, a permit, licence or works authority shall not be granted in respect of that block.

***Division 2*—*Exploration Permits***

**Application for permit**

**23.** A person may make an application to the Designated Authority for the grant, by the Joint Authority, of an exploration permit authorizing exploration of a block or blocks in an adjacent area, not being a block or blocks in respect of which a permit or licence is in force, for minerals.

**Form of application for permit, &c.**

**24.** (**1**) An application under section 23—

(a) shall be in accordance with an approved form;

(b) shall be made in an approved manner;

(c) shall be made in respect of not more than 500 blocks;

(d) shall specify the blocks in respect of which the application is made;

(e) shall be accompanied by particulars of—

(i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application;

(ii) the technical qualifications of the applicant and of his employees;

(iii) the technical advice available to the applicant; and

(iv) the financial resources available to the applicant;

(f) may set out any other matters that the applicant wishes to be considered; and

(g) shall be accompanied by a fee of $3,000.

(**2**) Where the application is made in respect of more than 1 block, the blocks in respect of which the application is made shall be blocks that relate to graticular sections that—

(a) constitute a single area; and

(b) are such that each graticular section in that area has a side in common with at least 1 other graticular section in that area.

(**3**) Where the application is made in respect of more than 1 block, the Designated Authority may, of his own motion, and shall, at the request of the Commonwealth Minister or the Joint Authority, by instrument in writing served on the applicant, request the applicant to consult with him with respect to the shape of the area constituted by the graticular sections to which the blocks specified in the application relate and, after any such request has been made, the application shall, for the purposes of this Act, be deemed to have been made in respect of such blocks, being blocks of a kind referred to in sub-section (2), as are agreed between the Designated Authority and the applicant and specified in the agreement, or, in the absence of agreement, as are determined, in writing, by the Joint Authority and specified in the instrument of determination.

**(4)** Where a determination referred to in sub-section (3) is made in relation to the application, the Designated Authority shall, as soon as practicable after the making of the determination, cause a copy of the determination to be served on the applicant.

**(5)** Where an agreement or determination referred to in sub-section (3) is made in relation to the application, the applicant is not entitled to the grant of a permit in respect of a block to which the agreement or determination relates by reason only of the making of the agreement or determination.

**(6)** Where a permit is not granted on the application, an amount equal to nine-tenths of the fee paid in accordance with sub-section (1) shall be refunded to the applicant.

**Grant or refusal of permit**

**25. (1)** Where an application has been made under section 23 for the grant of a permit, the Joint Authority may—

(a) by instrument in writing served on the applicant, inform the applicant that it is prepared to grant to him a permit authorizing exploration of each block specified in the instrument, being a block to which the application relates, for the minerals, or for the minerals, other than specified minerals, in that block; or

(b) refuse to grant a permit to the applicant.

**(2)** An instrument under sub-section (1) shall contain—

(a) a summary of the conditions subject to which the permit is to be granted; and

(b) a statement to the effect that the application will lapse if the applicant does not make a request under sub-section (3) in respect of the grant of the permit.

(**3**) An applicant on whom there has been served an instrument under sub-section (1) may, within a period of 1 month after the date of service of the instrument on him, or within such further period, not exceeding 1 month, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of 1 month, allows, by instrument in writing served on the Designated Authority, request the Joint Authority to grant to him the permit referred to in the first-mentioned instrument.

**(4)** Where an applicant on whom there has been served an instrument under sub-section (1) has made a request under sub-section (3) within the period applicable under sub-section (3), the Joint Authority shall grant to him an exploration permit in accordance with the instrument, subject only to conditions that are in accordance with the summary of conditions contained in the instrument or that summary as varied by agreement between the Joint Authority and the applicant before the request is so made.

**(5)** Where an applicant on whom there has been served an instrument under sub-section (1) has not made a request under sub-section (3) within the period applicable under sub-section (3), the application lapses upon the expiration of that period.

**Rights conferred by permit**

**26.** A permit, while it remains in force, authorizes the permittee, subject to this Act and the regulations and in accordance with the conditions to which the permit is subject—

(a) to explore each block specified in the permit for the minerals in that block or, if the permit so provides, for the minerals in that block other than the minerals specified in the permit;

(b) to carry on in each block so specified operations for the recovery of samples of the minerals in that block for which exploration is authorized by the permit; and

(c) to carry on such operations, and execute such works, in the permit area, and in the space above that area, as are necessary for those purposes.

**Term of permit**

**27.** Subject to this Part, a permit, including a permit granted by way of the renewal of a permit, remains in force for a period of 2 years commencing on the day on which the permit is granted.

**Application for renewal of permit**

**28. (1)** A permittee may, from time to time, make an application to the Designated Authority for the renewal of the permit by the Joint Authority in respect of such of the blocks the subject of the permit as are specified in the application in accordance with section 29.

**(2)** An application for the renewal of the permit—

(a) shall be in accordance with an approved form;

(b) subject to sub-section (3), shall be made in an approved manner not less than 1 month before the date of expiration of the permit;

(c) shall be accompanied by particulars of—

(i) the work carried out in, and the amounts expended in respect of, the permit area during the term of the permit up to and including the date of the application; and

(ii) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application;

(d) may set out any other matters that the applicant wishes to be considered; and

(e) shall be accompanied by a fee of $300.

(**3**) The Designated Authority may, for reasons that he thinks sufficient, receive an application for the renewal of the permit less than 1 month before, but not in any case after, the date of expiration of the permit.

**(4)** Where the renewal of the permit is not granted on the application, an amount equal to nine-tenths of the fee paid in accordance with sub-section (2) shall be refunded to the applicant.

**Application for renewal of permit to be in respect of reduced area**

**29. (1)** The number of blocks in respect of which an application for the renewal of a permit may be made shall not exceed a number that is equal to—

(a) in a case to which paragraph (b) does not apply—75 % of the number of blocks in respect of which the permit is in force; or

(b) if 75 % of the number of blocks in respect of which the permit is in force is a whole number and a fraction—the number that is one more than that whole number.

**(2)** Where more than 1 block is specified in the application, the blocks so specified shall be blocks that relate to graticular sections that—

(a) constitute a single area or not more than 3 discrete areas; and

(b) are such that each graticular section in the area, or in each area constituted by more than 1 block, has a side in common with at least 1 other graticular section in that area.

(**3**) Where the application is made in respect of more than 1 block, the Designated Authority may, of his own motion, and shall, at the request of the Commonwealth Minister or the Joint Authority, by instrument in writing served on the applicant, request the applicant to consult with him with respect to the shape of the area, or the shapes of the areas, constituted by the graticular sections to which the blocks specified in the application relate and, after any such request has been made, the application shall, for the purposes of this Act, be deemed to have been made in respect of such blocks, being blocks of a kind referred to in sub-section (2), as are agreed between the Designated Authority and the applicant and specified in the agreement, or, in the absence of agreement, as are determined in writing, by the Joint Authority and specified in the instrument of determination.

**(4)** Where a determination referred to in sub-section (3) is made in relation to the application, the Designated Authority shall as soon as practicable after the making of the determination, cause a copy of the determination to be served on the applicant.

(**5**) Where an agreement or determination referred to in sub-section (3) is made in relation to the application, the applicant is not entitled to the grant of the renewal of the permit in respect of a block to which the agreement or determination relates by reason only of the making of the agreement or determination.

**Grant or refusal of renewal of permit**

**30. (1)** Where a permittee has made an application under section 28 for the renewal of the permit and has furnished any further information in connection with the application required by the Designated Authority under this Part, the Joint Authority—

(a) shall, if the application is for the first, second, third or fourth renewal of the permit and the permittee has complied with the conditions to which the permit is subject and with the provisions of this Part and of the regulations; or

(b) may, in any other case,

inform the permittee, by instrument in writing served on the permittee, that it is prepared to grant to him the renewal of the permit in respect of the blocks specified in the application.

(**2**) Where—

(a) a permittee who has complied with the conditions to which the permit is subject and with the provisions of this Part and of the regulations has made an application under section 28 for a renewal other than the first, second, third or fourth renewal of the permit; or

(b) a permittee who has not so complied has made an application under that section for the renewal of the permit,

the Joint Authority may, subject to sub-section (3) of this section, refuse to grant the renewal of the permit.

(**3**) The Joint Authority shall not, under sub-section (2), refuse to grant the first, second, third or fourth renewal of a permit unless—

(a) it has, by instrument in writing served on the permittee, given not less than 1 month’s notice of its intention to refuse to grant the renewal of of the permit;

(b) it has served a copy of the instrument on such other persons (if any) as appear to it to be persons who would be adversely affected by the refusal;

(c) it has, in the instrument—

(i) given particulars of the non-compliance by reason of which it intends to refuse the renewal; and

(ii) specified a date on or before which submissions in writing may be served on the Designated Authority in connection with the proposed refusal; and

(d) after taking into account any matters so submitted on or before the specified date, it is not satisfied that special circumstances exist that justify the granting of the renewal of the permit.

**(4)** An instrument under sub-section (1) shall contain—

(a) a summary of the conditions to which the permit, on the grant of the renewal, is to be subject; and

(b) a statement to the effect that the application will lapse if the permittee does not make a request under sub-section (5).

**(5)** A permittee on whom there has been served an instrument under subsection (1) may, within a period of 1 month after the date of service of the instrument on him, or within such further period, not exceeding 1 month, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of 1 month, allows, by instrument in writing served on the Designated Authority, request the Joint Authority to grant to him the renewal of the permit.

**(6)** Where a permittee on whom there has been served an instrument under sub-section (1) has made a request under sub-section (5) within the period applicable under sub-section (5), the Joint Authority shall grant to him the renewal of the permit in accordance with the instrument, subject only to conditions that are in accordance with the summary of conditions contained in the instrument or that summary as varied by agreement between the Joint Authority and the permittee before the request is so made.

(**7**) Where a permittee on whom there has been served an instrument under sub-section (1) has not made a request under sub-section (5) within the period applicable under sub-section (5) the application concerned lapses upon the expiration of that period.

(**8**) Where—

(a) an application has been made under section 28 for the renewal of a permit; and

(b) the permit expires before the Joint Authority has granted, or has refused to grant, the renewal of the permit or the application has lapsed as provided by sub-section (7) of this section,

the permit shall be deemed to continue in force in all respects until the Joint Authority grants, or refuses to grant, the renewal of the permit or the application so lapses, whichever first happens.

***Division 3*—*Production Licences***

**Application for licence**

**31.** (**1**) A person may make an application to the Designated Authority for the grant, by the Joint Authority, of a production licence authorizing the recovery of minerals from a block or blocks in an adjacent area, not being a block or blocks in respect of which a permit or licence is in force.

(**2**) A permittee may make an application to the Designated Authority for the grant, by the Joint Authority, of a production licence authorizing the recovery of the minerals in respect of which the permit is in force from a block or blocks in respect of which the permit is in force.

**Form of application for licence, &c.**

**32.** (**1**) An application under section 31—

(a) shall be in accordance with an approved form;

(b) shall be made in an approved manner;

(c) shall be made in respect of not more than 50 blocks;

(d) shall, subject to sub-section (2), specify the blocks in respect of which the application is made;

(e) shall be accompanied by particulars of—

(i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application;

(ii) the technical qualifications of the applicant and of his employees;

(iii) the technical advice available to the applicant; and

(iv) the financial resources available to the applicant; and

(f) shall be accompanied by a fee of $3,000.

(**2**) Sub-sections 24 (2), (3), (4) and (5) apply in relation to an application under this section in like manner as they apply in relation to an application under section 23 and, for the purposes of those sub-sections as so applying, the reference in sub-section 24 (5) to a permit shall be read as a reference to a licence.

(**3**) Where a licence is not granted on the application, an amount equal to nine-tenths of the fee paid in accordance with sub-section (1) shall be refunded to the applicant.

**Grant or refusal of licence**

**33.** (**1**) Where an application has been made under section 31 for the grant of a licence, the Joint Authority may—

(a) by instrument in writing served on the applicant, inform the applicant that it is prepared to grant to him a licence authorizing the recovery, from each block to which the application relates, of—

(i) in the case of an application under sub-section 31 (1)—the minerals, or the minerals other than specified minerals, in that block; or

(ii) in the case of an application by a permittee under sub-section 31 (2)—the minerals in that block in respect of which the permit is in force; or

(b) refuse to grant a licence to the applicant.

(**2**) The Joint Authority shall not, under sub-section (1), refuse to grant a licence to a permittee who has made an application under sub-section 31 (2) unless—

(a) it has, by instrument in writing served on the permittee, given not less than 1 month’s notice of its intention to refuse to grant the licence;

(b) it has served a copy of the instrument on such other persons (if any) as appear to it to be persons who would be adversely affected by the refusal;

(c) it has, in the instrument—

(i) given particulars of the reasons for its intention to refuse to grant the licence; and

(ii) specified a date on or before which submissions in writing may be served on the Designated Authority in connection with the proposed refusal; and

(d) after taking into account any matters so submitted on or before the specified date, it is not satisfied that special circumstances exist that justify the granting of the licence.

(**3**) An instrument under sub-section (1) shall—

(a) contain a summary of the conditions subject to which the licence is to be granted; and

(b) contain a statement to the effect that the application will lapse if the applicant does not make a request under sub-section (4).

(**4**) An applicant on whom there has been served an instrument under sub-section (1) may, within a period of 1 month after the date of service of the instrument on him, or within such further period, not exceeding 1 month, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of 1 month, allows, by instrument in writing served on the Designated Authority, request the Joint Authority to grant to him the licence referred to in the first-mentioned instrument.

(**5**) Where an applicant on whom there has been served an instrument under sub-section (1) has made a request under sub-section (4) within the period applicable under sub-section (4), the Joint Authority shall grant to the applicant a production licence in accordance with the instrument, subject only to conditions that are in accordance with the summary of conditions contained in the instrument or that summary as varied by agreement between the Joint Authority and the applicant before the request is so made.

(**6**) Where a person on whom there has been served an instrument under sub-section (1) has not made a request under sub-section (4) within the period applicable under sub-section (4), the application concerned lapses upon the expiration of that period.

(**7**) Where—

(a) a permittee has made an application under sub-section 31 (2) for the grant of a licence in respect of blocks to which the permit relates; and

(b) the permit expires or ceases to be deemed, under sub-section 30 (8), to continue in force before the Joint Authority has granted, or has refused to grant, the licence or the application has lapsed as provided by sub-section (6) of this section,

the permit shall be deemed to continue in force in all respects until the Joint Authority grants, or refuses to grant, the licence or the application so lapses, whichever first happens.

(**8**) From and including the day on which a licence granted on an application under sub-section 31 (2) takes effect, the permit in force in respect of the blocks in respect of which the licence was granted ceases to be in force in respect of those blocks.

**Rights conferred by licence**

**34.** A licence, while it remains in force, authorizes the licensee, subject to this Act and the regulations and in accordance with the conditions to which the licence is subject—

(a) to recover from each block specified in the licence the minerals in that block, or, if the licence so provides, the minerals in that block other than the minerals specified in the licence;

(b) to explore each block so specified for the minerals the recovery of which from that block is authorized by the licence; and

(c) to carry on such operations, and execute such works, in the licence area, and in the space above that area, as are necessary for those purposes.

**Term of licence**

**35.** Subject to this Part, a licence, including a licence granted by way of the renewal of a licence, remains in force for such period, not exceeding 21 years, commencing on the day on which the licence is granted, as is determined by the Joint Authority and specified in the licence.

**Application for renewal of licence**

**36. (1)** A licensee may, from time to time, make an application to the Designated Authority for the renewal of the licence by the Joint Authority.

(**2**) An application for the renewal of the licence—

(a) shall be in accordance with an approved form;

(b) subject to sub-section (3), shall be made in an approved manner not less than 6 months before the date of expiration of the licence;

(c) shall be accompanied by particulars of the proposals of the licensee for work and expenditure in respect of the licence area; and

(d) shall be accompanied by a fee of $300.

**(3)** The Designated Authority may, for reasons that he thinks sufficient, receive an application for the renewal of the licence less than 6 months before, but not in any case after, the date of expiration of the licence.

**(4)** Where the renewal of the licence is not granted on the application, an amount equal to nine-tenths of the fee paid in accordance with sub-section (2) shall be refunded to the applicant.

**Grant or refusal of renewal of licence**

**37. (1)** Where a licensee has made an application under section 36 for the renewal of the licence, the Joint Authority may—

(a) by instrument in writing served on the licensee, inform the licensee that it is prepared to grant the renewal of the licence; or

(b) refuse to grant the renewal of the licence.

(**2**) The Joint Authority shall not, under sub-section (1), refuse to grant the renewal of a licence unless—

(a) it has, by instrument in writing served on the licensee given not less than 1 month’s notice of its intention to refuse to grant the renewal of the licence;

(b) it has served a copy of the instrument on such other persons (if any) as appear to it to be persons who would be adversely affected by the refusal;

(c) it has, in the instrument—

(i) given particulars of the reasons for its intention to refuse the renewal; and

(ii) specified a date on or before which submissions in writing may be served on the Designated Authority in connection with the proposed refusal; and

(d) after taking into account any matters so submitted on or before the specified date, it is not satisfied that special circumstances exist that justify the granting of the renewal of the licence.

**(3)** An instrument under sub-section (1) shall—

(a) contain a summary of the conditions to which the licence, on the grant of the renewal, is to be subject; and

(b) contain a statement to the effect that the application will lapse if the licensee does not make a request under sub-section (4).

(**4**) A licensee on whom there has been served an instrument under sub-section (1) may, within a period of 1 month after the date of service of the instrument on him, or within such further period, not exceeding 1 month, as the Designated Authority, on application in writing served on him before the expiration of the first-mentioned period of 1 month, allows, by instrument in writing served on the Designated Authority, request the Joint Authority to grant to him the renewal of the licence.

(**5**) Where a licensee on whom there has been served an instrument under sub-section (1) has made a request under sub-section (4) within the period applicable under sub-section (4) the Joint Authority shall grant to him the renewal of the licence in accordance with the instrument, subject only to conditions that are in accordance with the summary of conditions contained in the instrument or that summary as varied by agreement between the Joint Authority and the licensee before the request is so made.

**(6)** Where a licensee on whom there has been served an instrument under sub-section (1) has not made a request under sub-section (4) within the period applicable under sub-section (4), the application concerned lapses upon the expiration of that period.

(**7**) Where—

(a) an application has been made under section 36 for the renewal of a licence; and

(b) the licence expires before the Joint Authority has granted, or has refused to grant, the renewal of the licence or the application has lapsed as provided by sub-section (6) of this section,

the licence shall be deemed to continue in force in all respects until the Joint Authority grants, or refuses to grant, the renewal of the licence or the application so lapses, whichever first happens.

**Works to be carried out**

**38. (1)** During the first year of the term of a licence granted otherwise than by way of the renewal of a previous licence, approved works to the value of not less than the amount calculated by multiplying the sum of $5,000 by the number of blocks in respect of which the licence was granted shall be carried out in or in relation to the licence area in connection with exploration for, or operations for the recovery of, minerals under the licence.

**(2)** During the first year of the term of a licence granted by way of the renewal of a previous licence, approved works—

(a) if minerals were not recovered under the previous licence during the last year of the term of the previous licence—to the value of not less than the amount calculated by multiplying the sum of $5,000 by the number of blocks in respect of which the licence was granted; or

(b) if minerals were recovered under the previous licence during the last year of the term of the previous licence and the amount referred to in paragraph (a) exceeds the landed value of the minerals so recovered—to the value of not less than the amount of the excess,

shall be carried out in or in relation to the licence area in connection with exploration for, or operations for the recovery of, minerals under the licence.

**(3)** During each year, other than the first year, of the term of a licence, approved works—

(a) if minerals were not recovered under the licence during the last preceding year of the term of the licence—to the value of not less than the amount calculated by multiplying the sum of $5,000 by the number of blocks in respect of which the licence was in force at the commencement of the year; or

(b) if minerals were recovered under the licence during the last preceding year of the term of the licence and the amount referred to in paragraph (a) exceeds the landed value of the minerals so recovered—to the value of not less than the amount of the excess,

shall be carried out in or in relation to the licence area in connection with exploration for, or operations for the recovery of, minerals under the licence.

**(4)** The Joint Authority may, if it is satisfied that special circumstances exist that justify its doing so, by instrument in writing, direct that, in relation to the licence specified in the instrument—

(a) sub-section (1) or (2)—

(i) does not apply; or

(ii) applies as if the reference in that sub-section to the sum of $5,000 were a reference to such lesser sum as the Joint Authority thinks fit and specifies in the instrument; or

(b) sub-section (3)—

(i) does not apply in respect of the year of the term of the licence specified in the instrument; or

(ii) applies in respect of that year as if the reference in that subsection to the sum of $5,000 were a reference to such lesser sum as the Joint Authority thinks fit and specifies in the instrument.

(**5**) Where, in relation to a licence, sub-section (1), (2) or (3) as it applies in relation to that licence has not been complied with in respect of a year of the term of that licence, an amount equal to the value of the approved works that were required to be carried out in or in relation to the licence area during that year less the value of any approved works carried out in or in relation to that area during that year is a debt due and payable to the Commonwealth by the person who, on the last day of that year, was the registered holder of that licence and, except to the extent to which payment of the amount is waived under sub-section (6), is recoverable in a court of competent jurisdiction.

**(6)** The Joint Authority may, if it is satisfied that special circumstances exist that justify its doing so, by instrument in writing, waive payment of the whole or any part of an amount payable under sub-section (5).

(**7**) For the purposes of this section—

(a) the landed value of any mineral is the landed value of that mineral ascertained in accordance with the Royalty Act; and

(b) the quantity of any mineral recovered by a licensee during a year of the term of the permit shall be ascertained in accordance with the Royalty Act.

***Division 4*—*Works Authorities***

**Application for works authority**

**39. (1)** The registered holder of a permit (in this sub-section referred to as the “relevant permit”) or the registered holder of a licence (in this sub-section referred to as the “relevant licence”) may make an application to the Designated Authority for the grant, by the Joint Authority, of a works authority authorizing the execution of works, and the carrying on of operations, in a part of the adjacent area that is not part of the permit area or licence area, as the case may be, being works and operations directly connected with operations carried on or proposed to be carried on under the relevant permit or the relevant licence, as the case may be.

(**2**) An application under this section—

(a) shall be in accordance with an approved form;

(b) shall be made in an approved manner;

(c) shall set out particulars of the works proposed to be executed, and the operations proposed to be carried on, by the applicant;

(d) shall be accompanied by a map showing the proposed location of those works and operations;

(e) may set out any other matters that the applicant wishes to be considered; and

(f) shall be accompanied by a fee of $3,000.

(**3**) Where a works authority is not granted on an application under this section, an amount equal to nine-tenths of the fee paid in accordance with sub-section (2) shall be refunded to the applicant.

**Grant of works authority**

**40. (1)** Where a permittee or licensee has made an application under section 39, the Joint Authority may—

(a) subject to sub-section (3), grant to the permittee or licensee, as the case may be, a works authority in respect of such part of the adjacent area as is determined by the Joint Authority and specified in the instrument and in respect of such of the works and operations specified in the application as are determined by the Joint Authority to be—

(i) directly connected with operations carried on or proposed to be carried on under the permit or licence, as the case may be; and

(ii) necessary or desirable for the more effective exercise of rights, or the performance of duties, under the permit or licence, as the case may be,

and are specified in the instrument; or

(b) refuse to grant a works authority to the permittee or licensee.

**(2)** A works authority may, subject to sub-section (3), be granted under sub-section (1) in respect of a part of an adjacent area that is the subject of another works authority or in respect of a part of a block that is the subject of a permit or licence.

(**3**) The Joint Authority shall not, on an application made under section 39, grant a works authority in respect of a part of an adjacent area that is the subject of another works authority, or in respect of a part of a block that is the subject of a permit or licence, being a works authority, permit or licence the registered holder of which is a person other than the applicant, unless it has—

(a) by instrument in writing served on that person, given not less than 1 month’s notice of its intention to grant the works authority;

(b) served a copy of the instrument on such other persons (if any) as appear to it to be persons who would be adversely affected by the grant of the works authority;

(c) in the instrument—

(i) given particulars of the works authority proposed to be granted; and

(ii) specified a date on or before which submissions in writing may be served on the Designated Authority in connection with the proposed grant; and

(d) taken into account any matters so submitted on or before the specified date.

**Rights conferred by works authority**

**41.** A works authority, while it remains in force, authorizes the registered holder, subject to this Act and the regulations and in accordance with the conditions to which the authority is subject—

(a) to execute the works, and carry on the operations, specified in the authority in the part of the adjacent area so specified; and

(b) to carry on such other operations as are necessary for that purpose.

**Term of works authority**

**42.** Subject to this Part, a works authority has effect from and including the day on which it is granted and remains in force until the relevant permit or the relevant licence, as the case may be, ceases to be in force.

***Division 5*—*Registration of Instruments***

**Register of certain instruments to be kept**

**43.** (**1**) For the purposes of this Part, the Designated Authority in respect of an adjacent area shall keep a Register of permits, licences and works authorities granted under this Act relating to that adjacent area.

(**2**) The Designated Authority shall enter in the Register, in respect of each permit, licence or works authority, a memorial—

(a) specifying the name of the holder;

(b) in the case of a permit or licence—

(i) setting out an accurate description (including, where convenient, a map) of the permit area or licence area;

(ii) specifying the minerals for which exploration is authorized by the permit, or the recovery of which is authorized by the licence, as the case may be; and

(iii) specifying the term of the permit or licence;

(c) in the case of a works authority—

(i) setting out brief particulars of the works authorized to be executed, and the operations authorized to be carried on, by the authority; and

(ii) setting out an accurate description (including, where convenient, a map) of the part of the adjacent area to which the authority relates; and

(d) setting out such further matters relating to the holder, or to the terms and conditions, of the permit, licence or works authority as the Designated Authority deems proper and expedient in the public interest,

and shall retain a copy of each permit, licence and works authority.

(**3**) The Designated Authority shall enter in the Register, on the memorial of a permit, licence or works authority, as the case may require, a memorandum of—

(a) any instrument varying, surrendering, cancelling or otherwise affecting the permit, licence or works authority; and

(b) any instrument varying or revoking an instrument referred to in paragraph (a),

and shall retain the instrument or a copy of the instrument.

**(4)** A copy of a permit, licence or works authority retained under sub-section (2), and an instrument or a copy of an instrument retained under sub-section (3), are subject to inspection in accordance with this Division.

**(5)** A permit, licence or works authority shall be deemed to be registered as soon as a memorial, complying with sub-section (2), of the permit, licence or works authority has been entered in the Register.

**(6)** An instrument referred to in sub-section (3)

(a) shall be deemed to be registered as soon as a memorandum of the instrument has, under that sub-section, been entered in the Register on the memorial of the permit, licence or works authority concerned; and

(b) is of no force until it has been so registered.

**(7)** The Designated Authority shall—

(a) enter in the Register, on the memorial of a permit, licence or works authority, and endorse on the permit, licence or works authority, a memorandum of the date upon which the memorial was entered in the Register; and

(b) enter in the Register, on the memorial of a permit, licence or works authority on which a memorandum of an instrument has been entered under sub-section (3), and endorse on the instrument or the copy of the instrument retained under that sub-section, a memorandum of the date on which the memorandum of the instrument was entered on the memorial.

**(8)** Where the Designated Authority, under this Part, receives an instrument, being—

(a) an application for the renewal of a permit or licence;

(b) an application for a variation or suspension of, or an exemption from compliance with, a condition of a permit, licence or works authority;

(c) an application under section 45 or 47;

(d) an instrument accompanying an application under section 45; or

(e) an application for the extension of the term of a permit,

he shall enter in the Register, on the memorial of the permit, licence or works authority concerned and, in the case of an application for the grant of a works authority, on the memorial of each permit or licence that would be affected by the grant, a memorandum of the first-mentioned instrument.

(**9**) Where the Designated Authority receives an application under section 39 for the grant of a works authority, he shall enter in the Register—

(a) on the memorial of the permit or licence that entitles the applicant to make the application; and

(b) on the memorial of each permit or licence (if any) that would be affected by the grant, a memorandum of the application.

**Other matters to be entered in Register**

**44. (1)** Where a works authority is granted in respect of a part of an adjacent area in respect of which a permit or licence is in force, the Designated Authority shall enter in the Register, on the memorial of the permit or licence, as the case may require, a memorandum of the fact.

**(2)** Where—

(a) a permit or licence expires and is not renewed by the permittee or licensee;

(b) a permit ceases, by force of sub-section 33 (8), to be in force in respect of a particular block;

(c) a works authority ceases, by force of section 42, to be in force; or

(d) the Designated Authority refuses, under this Part—

(i) to grant the renewal of a permit or licence;

(ii) to grant a works authority;

(iii) to vary or suspend, or exempt a person from compliance with, a condition of a permit, licence or works authority;

(iv) to approve an application under section 47; or

(v) to extend the term of a permit,

the Designated Authority shall enter in the Register, on the memorial of the permit, licence or works authority, as the case may require, a memorandum of the fact.

**Creation of interests in permits, &c.**

**45. (1)** A legal or equitable interest in or affecting an existing or future permit, licence or works authority, is not capable of being created, assigned, affected or dealt with, whether directly or indirectly, except by an instrument in writing, and this section applies to such an instrument.

(**2**) An instrument to which this section applies does not have any force or effect until it has been approved by the Joint Authority and registered as provided by this section.

**(3)** A party to an instrument to which this section applies may lodge with the Designated Authority an application for approval of the instrument by the Joint Authority.

**(4)** The application shall be accompanied by—

(a) the instrument, duly executed, together with a copy of the instrument and a copy of any consent under sub-section 48 (5) to the approval of the instrument under this section;

(b) such particulars of—

(i) the technical qualifications of a party to the instrument and of his employees;

(ii) the technical advice available to a party to the instrument;

(iii) the financial resources of a party to the instrument; and

(iv) any other matter,

as the applicant wishes to be considered; and

(c) a fee of $300.

**(5)** Where an application is made under this section in respect of an instrument, the Joint Authority may—

(a) approve the instrument subject to such conditions (if any) as it considers necessary or desirable in the public interest; or

(b) refuse to approve the instrument.

**(6)** Where the Joint Authority approves an instrument to which this section applies, the Designated Authority shall, on payment of the fee provided for by

the Registration Fees Act—

(a) endorse on the instrument and on the copy of the instrument; and

(b) enter in the Register, on the memorial of the permit, licence or works authority concerned,

a memorandum of the approval and of any conditions to which the approval is subject.

**(7)** An instrument that is approved under this section shall be deemed to be registered as soon as a memorandum of the approval has, under sub-section (6), been entered in the Register on the memorial of the permit, licence or works authority concerned.

**(8)** Where an instrument by which the registered holder of a permit, licence or works authority transfers absolutely the whole of his interest in the permit, licence or works authority is approved and registered under this section, the transferee becomes the registered holder of the permit, licence or works authority, and the Designated Authority shall enter in the Register, on the memorial of the permit, licence or works authority, the name of the transferee as that of the holder of the permit, licence or works authority.

**(9)** Except as provided by sub-section (8), a person does not become the registered holder of a permit, licence or works authority by virtue of the approval and registration of an instrument under this section.

**(10)** An instrument that is registered under this section shall be returned to the person who lodged it, together with the copy of any consent under sub-section 48 (5) lodged with the instrument, and the copy of the instrument shall be retained by the Designated Authority and is subject to inspection in accordance with this Division.

**(11)** Where the Joint Authority refuses to approve an instrument that is the subject of an application under this section—

(a) the Designated Authority shall enter in the Register, on the memorial of the permit, licence or works authority concerned, a memorandum of the refusal; and

(b) an amount equal to nine-tenths of the fee paid in accordance with sub-section (4) shall be refunded to the applicant.

**(12)** Where—

(a) an instrument, other than an instrument of a kind referred to in sub-section (8), is approved under this section subject to conditions; and

(b) a condition to which the approval is subject is not complied with,

the Joint Authority may, by instrument in writing, revoke the approval.

**(13)** Where the Joint Authority, under sub-section (12), revokes the approval of an instrument under this section—

(a) the instrument ceases, upon the revocation, to have any force or effect; and

(b) the Designated Authority shall—

(i) serve a copy of the instrument of revocation on each party to the instrument; and

(ii) enter in the Register, on the memorial of the permit, licence or works authority concerned, and endorse on the copy of the first-mentioned instrument retained under sub-section (10), a memorandum of the revocation.

**True consideration to be shown**

**46. (1)** A party to an instrument to which section 45 applies shall not, with intent to defraud, execute the instrument if the instrument does not fully and truly set out the true consideration for the instrument and all other facts and circumstances (if any) affecting the amount of the fee payable under the Registration Fees Act in respect of a memorandum of approval of the instrument.

Penalty: $10,000.

**(2)** Where a person is convicted of an offence against sub-section (1), the Designated Authority may make a fresh determination of the amount of the fee payable under the Registration Fees Act in respect of the memorandum relating to the instrument.

**(3)** Sub-sections 56 (2) and (3) apply in relation to a determination under sub-section (2) of this section as they apply in relation to a determination under sub-section 56 (1).

**Devolution of permits, &c.**

**47. (1)** A person upon whom the rights of the registered holder or 1 of the registered holders of a permit, licence or works authority have devolved by operation of law may apply in writing to the Designated Authority to have his name entered in the Register as that of the holder or 1 of the holders of the permit, licence or works authority, as the case may be.

**(2)** The Joint Authority shall, if it is satisfied that the applicant is entitled to make the application, approve the application and, upon approval of the application, the Designated Authority shall enter the name of the applicant

in the Register on the memorial of the permit, licence or works authority concerned as that of the holder or 1 of the holders of the permit, licence or works authority.

**(3)** This section applies to and in relation to 2 or more persons upon whom rights have devolved in like manner as it applies to and in relation to a single person upon whom rights have devolved.

**Caveats**

**48. (1)** A person claiming an interest in or affecting a permit, licence or works authority may lodge with the Designated Authority a caveat directing the Joint Authority not to give its approval under section 45 to an instrument of a kind referred to in that section that relates to the permit, licence or works authority.

(**2**) A caveat shall—

(a) be in accordance with an approved form;

(b) set out—

(i) the full name and address of the person claiming the interest; and

(ii) particulars of the interest claimed;

(c) be signed by the person claiming the interest, or by his agent;

(d) specify an address for the service of notices under this section, being an address within the State or Territory in the adjacent area in respect of which the blocks to which the permit, licence or works authority concerned relates are situated; and

(e) shall be accompanied by a fee of $300.

**(3)** Upon the lodging of a caveat, the Designated Authority shall—

(a) enter in the Register, on the memorial of the permit, licence or works authority concerned, a memorandum of the caveat and of the date upon which it was lodged;

(b) by instrument in writing served on the registered holder of the permit, licence or works authority concerned inform him that the caveat has been lodged; and

(c) retain the caveat and endorse on it a memorandum of the date upon which it was lodged.

**(4)** Where—

(a) an application is made under section 45 for the approval of an instrument of a kind referred to in that section, being an instrument that relates to a permit, licence or works authority in relation to which a caveat is in force; and

(b) the person specified in the instrument is not, or the persons specified in the instrument do not include, the person specified in the caveat as the person claiming an interest in or affecting the permit, licence or works authority,

the Designated Authority shall send, by registered post or certified mail, to the person claiming the interest a notice informing him that the application has been made.

**(5)** A person to whom a notice under sub-section (4)is sent may, by instrument in writing lodged with the Designated Authority before the expiration of a period of 28 days from and including the day on which the notice is sent, consent to the approval, under section 45, of the instrument to which the notice relates.

**(6)** While a caveat remains in force in relation to a permit, licence or works authority, the Joint Authority shall not, under section 45, approve an instrument of a kind referred to in that section that relates to the permit, licence or works authority concerned unless a court of competent jurisdiction otherwise orders or the person specified in the caveat as the person claiming the interest concerned consents, under sub-section (5), to the approval of the instrument.

**(7)** A caveat has effect from and including the date on which it is lodged with the Designated Authority and ceases to have effect—

(a) upon the making, by a court of competent jurisdiction, of an order for the removal of the caveat;

(b) upon the withdrawal of the caveat under sub-section (8); or

(c) upon the expiration of a period of 28 days from and including the date on which a notice is, under sub-section (4), sent to the person specified in the caveat as the person claiming an interest in or affecting the permit, licence or works authority concerned unless, within that period, a court of competent jurisdiction otherwise orders or that person consents under sub-section (5), to the approval, under section 45, of the instrument to which that notice relates.

**(8)** The person specified in a caveat as the person claiming an interest in or affecting a permit, licence or works authority may, at any time, by instrument in writing lodged with the Designated Authority, withdraw the caveat.

(**9**) An instrument referred to in sub-section (8)—

(a) shall be in accordance with an approved form;

(b) shall set out particulars of the caveat to which it relates;

(c) shall be signed by the person claiming the interest to which the caveat relates, or by his agent; and

(d) has effect from and including the date on which it is lodged with the Designated Authority.

**(10)** Where—

(a) an instrument referred to in sub-section (5) or (8) is lodged with the Designated Authority; or

(b) an order, or a copy of an order, of a court, being an order of a kind referred to in sub-section (6) or (7), is served on the Designated Authority or the Joint Authority,

the Designated Authority shall—

(c) enter in the Register, on the memorial of the permit, licence or works authority concerned, and endorse on the caveat concerned, a memorandum of the instrument or order and of the date upon which the instrument was so lodged, or the order was so served, as the case may be; and

(d) retain the instrument, the order or the copy of the order, as the case may be.

**(11)** A caveat retained under sub-section (3), and a document retained under sub-section (10), are subject to inspection in accordance with this Division.

**(12)** Where a notice required under sub-section (4) to be sent to a person is posted as a letter in accordance with that sub-section to that person at the address for service of notices specified in the caveat concerned, service of the notice shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

**Joint Authority, &c, not concerned with certain matters**

**49.** A Joint Authority, a Designated Authority, a delegate of a Designated Authority or a person acting under the direction or authority of a Joint Authority, a Designated Authority or a delegate of a Designated Authority is not concerned with the effect in law of any instrument lodged for approval under section 45, and the approval or registration of such an instrument does not give to it any force, effect or validity that it would not have if this Division had not been enacted.

**Production and inspection of documents**

**50. (1)** The Designated Authority may, by instrument in writing served on a person, require the person to produce to him or to make available for inspection by him or by or on behalf of the Joint Authority any documents in the possession or under the control of that person that relate to an instrument lodged for approval under section 45, to the transaction to which such an instrument relates or to an application under section 47.

**(2)** A person shall not refuse or fail to comply with a requirement in an instrument served on him under sub-section (1).

Penalty: $5,000.

**Inspection of Register and documents**

**51.** A Register and all instruments and documents registered, or subject to inspection, under this Division shall at all convenient times be open for inspecion by any person on payment of a fee of $6.

**Evidentiary provisions**

**52. (1)** A Register shall be received by all courts as *prima facie* evidence of all matters required or authorized by this Division to be entered in the Register.

**(2)** The Designated Authority may, on payment of a fee calculated at the rate of $1.50 per page—

(a) supply copies of, or extracts from, a memorial or memorandum entered in the Register, certified by writing under his hand; and

(b) supply copies of, or extracts from, a copy of a permit, licence, works authority or instrument, or of or from any other document, retained by him under this Division, certified by writing under his hand,

and such a copy or extract so certified is admissible in evidence in all courts and proceedings without further proof or production of the original.

**(3)** The Designated Authority may, on payment of a fee of $15, by instrument in writing under his hand, certify that an entry, matter or thing required or permitted by or under this Division to be made or done has or has not, as the case may be, been made or done and such a certificate is *prima facie* evidence in all courts and proceedings of the statements contained in the certificate.

**Appeals**

**53. (1)** The Supreme Court may, on the application of a person aggrieved by-

(a) the omission of an entry from a Register;

(b) an entry made in a Register without sufficient cause;

(c) an entry wrongly existing in a Register; or

(d) an error or defect in an entry in a Register,

make such order as it thinks fit directing the rectification of the Register.

**(2)** The Supreme Court may, in proceedings under this section, decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

**(3)** Notice of an application under this section shall be given to the Designated Authority concerned who may appear and be heard and shall appear if so directed by the Supreme Court.

**(4)** An office copy of an order made by the Supreme Court may be served on the Designated Authority, and the Designated Authority shall, upon receipt of the order, rectify the Register accordingly.

**Joint Authority, &c, not liable to certain actions**

**54.** Subject to section 53, a Joint Authority, a member of a Joint Authority, a Designated Authority, a delegate of a Designated Authority or a person acting under the direction or authority of a Joint Authority, a Designated Authority or a delegate of a Designated Authority is not liable to an action, suit or proceeding for or in respect of an act or matter in good faith done or omitted to be done in the exercise or purported exercise of any power or authority conferred by this Division.

**Offences**

**55.** A person shall not wilfully—

(a) make, cause to be made or concur in making a false entry in a Register; or

(b) produce or tender in evidence a document falsely purporting to be—

(i) an instrument, or a copy of or extract from an instrument, lodged with the Designated Authority under this Division; or

(ii) a copy of or extract from an entry in a Register.

Penalty: $5,000.

**Assessment of fee**

**56.** (**1**) The Designated Authority may determine the amount of the fee payable under the Registration Fees Act in respect of any memorandum.

(**2**) A person dissatisfied with a determination of the Designated Authority under sub-section (1) may appeal to the Supreme Court against the determination.

(**3**) Upon the hearing of the appeal, the Supreme Court may affirm, reverse or modify the determination of the Designated Authority.

**Supreme Court**

**57.** In this Division, “Supreme Court” means, in relation to an application for the rectification of the Register kept by, or in relation to an appeal against a determination of, the Designated Authority in respect of the adjacent area in respect of a State or Territory, the Supreme Court of, or having jurisdiction in, that State or Territory.

***Division 6*—*General***

**Information to be furnished**

**58.** The Designated Authority may, at any time, by instrument in writing served on a person who has made an application under this Part, require him to furnish, within the period specified in the instrument, further information in writing in connection with his application.

**False or misleading statements, &c.**

**59.** (**1**) A person shall not, in, or in connection with, an application under this Part—

(a) make a statement that is to his knowledge false or misleading in a material particular; or

(b) omit to state any matter or thing without which the application is to his knowledge misleading in a material respect.

(**2**) A person shall not, in, or in connection with an application under this Part, submit to, or lodge with, a Joint Authority, a member of a Joint Authority,

a Designated Authority or any other person doing duty in relation to this Act, a document that—

(a) contains a statement that is to his knowledge false or misleading in a material particular; or

(b) does not contain a statement of a matter or thing without which the document is to his knowledge false or misleading in a material respect.

**(3)** A person who is required, under section 58, to furnish information shall not, in purported compliance with the requirement, furnish information that is to his knowledge false or misleading in a material particular.

Penalty: $10,000.

**Conditions of permit, &c.**

**60. (1)** Subject to this Act, a permit, licence or works authority may be granted subject to such conditions as the Joint Authority thinks fit and are specified in the permit, licence or works authority.

**(2)** Without limiting the generality of any provision of this Act relating to conditions—

(a) the conditions subject to which a permit, licence or works authority is granted may include a condition requiring the registered holder to effect and maintain, to the satisfaction of the Designated Authority, insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of work, or the doing of any other thing, in pursuance of the permit, licence or works authority, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of any substance or mixture of substances;

(b) the conditions subject to which a permit is granted may include conditions with respect to work to be carried out by the permittee in or in relation to the permit area during the term of the permit, or amounts to be expended by the permittee in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring a permittee to comply with directions given in accordance with the permit concerning those matters; and

(c) the conditions subject to which a permit or licence is granted shall be deemed to include a condition that the permittee or licensee will comply with the provisions of the Royalty Act as in force from time to time.

**No conditions as to payment of moneys**

**61.** There shall not be included in a permit, licence, works authority or other instrument under this Act a condition requiring the payment of money to the Designated Authority, the Joint Authority or the Commonwealth.

**Notice of grant of permit, &c, to be published**

**62.** **(1)** As soon as practicable after the grant of a permit or licence, whether by way of the renewal of a permit or licence or otherwise, or the grant of a works authority, the Designated Authority shall cause to be published in the *Gazette* notice of, and particulars of—

(a) the name of the registered holder of the permit, licence or authority;

(b) in the case of a permit or licence—

(i) the blocks, and the minerals, to which it relates; and

(ii) the period during which it is, subject to this Part, to remain in force; and

(c) in the case of a works authority—the part of the adjacent area, and the works and operations, to which it relates.

**(2)** Where, under this Part—

(a) a permit or licence is surrendered or cancelled as to all or some of the blocks to which it relates; or

(b) a works authority is surrendered or cancelled in its entirety or as to some of the works or operations, or as to portion of the part of the adjacent area, to which it relates,

the Designated Authority shall cause notice of, and particulars of, the surrender or cancellation to be published in the *Gazette.*

**Work practices**

**63. (1)** In this section—

“operations area” means the blocks in respect of which a permit or licence is in force or the part of an adjacent area in respect of which a works authority is in force, and—

(a) in relation to an operator who is a permittee or licensee—means the blocks in respect of which the permit or licence, as the case may be, is in force; and

(b) in relation to an operator who is the registered holder of a works authority—means the part of the adjacent area in respect of which the authority is in force;

“operator” means the registered holder of a permit, licence or works authority.

**(2)** In this section, a reference to a block includes a reference to the space above the block.

**(3)** An operator who carries out, or causes to be carried out, in the operations area operations in connection with the exploration of the sea-bed or subsoil of the continental shelf for minerals, or the recovery of minerals from that sea-bed or subsoil, shall ensure that, subject to any authorization or requirement given or made by or under this Act or the regulations or directions under this Act—

(a) those operations are carried out in a proper and workmanlike manner;

(b) the safety, health and welfare of persons engaged in those operations in or about that area is secured;

(c) all structures, equipment and other property in that area, being structures, equipment or other property brought into that area by or with the authority of a person (including the operator) for the time being registered as the holder, or 1 of the holders, of a permit, licence or works authority that relates or related to that area, are maintained in good condition and repair; and

(d) all structures, equipment and other property in that area belonging to him or under his control that are not used or to be used in connection with those operations are removed from that area.

(**4**) A person who enters into an agreement, whether in writing or not, with an operator or with any other person for the carrying out for, or in association with, that operator or other person in an operations area of an operation in connection with the exploration of the sea-bed or subsoil of the continental shelf for minerals, or the recovery of minerals from that sea-bed or subsoil, shall ensure that, subject to any authorization or requirement given or made by or under this Act or the regulations or directions under this Act—

(a) that operation is carried out in a proper and workmanlike manner;

(b) the safety, health and welfare of persons engaged in that operation in or about that area is secured;

(c) all structures, equipment and other property in that area, being structures, equipment or other property brought into that area by him or with his authority, are maintained in good condition and repair; and

(d) all structures, equipment or other property in that area, being structures, equipment or other property brought into that area by him or with his authority, that are not used or to be used in connection with that operation are removed from that area.

**(5)** It is a defence if a person charged with failing to comply with sub-section (3) or (4), or a defendant in an action arising out of a failure by the defendant to comply with sub-section (3) or (4), proves that he took all reasonable steps to comply with that sub-section.

Penalty: $10,000.

**Section 63 to have effect subject to this Act, &c.**

**64**. Section 63 has effect subject to—

(a) any other provision of this Act;

(b) the regulations;

(c) a direction under section 65; and

(d) any other law.

**Directions**

**65.** (**1**) The Designated Authority may, by instrument in writing served on a person referred to in sub-section (2), give to that person a direction as to any matter with respect to which regulations may be made under section 105.

**(2)** Directions under sub-section (1) may be given to the following persons:

(a) a permittee or licensee or the registered holder of a works authority;

(b) a servant, agent or person acting on behalf of a person referred to in paragraph (a);

(c) a person performing work or services under a contract with a person referred to in paragraph (a);

(d) a servant or agent of a person referred to in paragraph (c).

(**3**) The Designated Authority shall not give a direction under sub-section (1) of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction of the Designated Authority shall not be called in question by reason of this sub-section.

**(4)** A direction under this section has effect and shall be complied with notwithstanding any previous direction under this section.

**(5)** A direction under this section has effect and shall be complied with notwithstanding anything in the regulations or the applied provisions.

**(6)** A direction under this section may be expressed to apply to every person included in a specified class of persons referred to in sub-section (2) and the instrument by which a direction so expressed is given shall be deemed to be served on a person included in that class if a copy of the instrument was, at the time of the alleged failure of that person to comply with the direction, exhibited in a prominent position at a place in an adjacent area frequented by that person.

(**7**) A person to whom a direction in force under sub-section (1) is applicable shall comply with the direction.

Penalty: $10,000.

**Compliance with directions**

**66. (1)** Where a person does not comply with a direction given to him under this Part, the Designated Authority may do all or any of the things required by the direction to be done.

**(2)** Where the direction was given by or with the approval of the Joint Authority, the Designated Authority shall not take action under sub-section (1) except with the approval of the Joint Authority.

(**3**) Costs and expenses incurred by the Designated Authority under sub-section (1) in relation to a direction are a debt due to the Commonwealth by the person to whom the direction was given and are recoverable in a court of competent jurisdiction.

**(4)** It is a defence if a person charged with failing to comply with a direction given to him under this Part, or a defendant in an action under sub-section (3),proves that he took all reasonable steps to comply with the direction.

**Exemptions, variations, &c.**

**67. (1)** Where—

(a) a permit or licence is, under this Part, to be deemed to continue in force;

(b) a permit or licence is, under section 70 surrendered as to 1 or more but not all of the blocks in respect of which it is in force;

(c) the term of a permit is extended under section 68 or 69;

(d) a permittee or licensee consents to the making of a determination under section 98;

(e) a permittee or licensee or the registered holder of a works authority applies, by instrument in writing served on the Designated Authority—

(i) for a variation or suspension of; or

(ii) for exemption from compliance with,

any of the conditions to which the permit, licence or works authority is subject; or

(f) the Designated Authority or the Joint Authority gives a direction under this Part or an approval, consent or exemption under the regulations to a permittee or licensee or to the registered holder of a works authority,

the Joint Authority may, at any time, by instrument in writing served on the permittee, licensee or registered holder—

(g) vary or suspend; or

(h) exempt the permittee, licensee or registered holder from compliance with,

any of the conditions to which the permit, licence or works authority is subject upon such conditions (if any) as are determined by the Joint Authority and specified in the instrument.

**(2)** Where a permittee or licensee who is the registered holder of a works authority surrenders, under section 70. the relevant permit or relevant licence as to 1 or more but not all of the blocks in respect of which it is in force, the Joint Authority may, by instrument in writing served on the permittee or licensee, vary the authority as to the works or operations, or as to the area, to which it relates.

(**3**) Where a works authority—

(a) is granted to the registered holder of the relevant permit or the relevant licence;

(b) is varied under sub-section (2); or

(c) is surrendered by the registered holder of the relevant permit or the relevant licence as to 1 or more but not all of the works or operations, or as to portion but not the whole of the part of the adjacent area, to which the authority relates,

the Joint Authority may, by instrument in writing served on the registered holder of the relevant permit or relevant licence, or of a permit or licence affected by the authority—

(d) vary or suspend; or

(e) exempt the registered holder from compliance with,

any of the conditions to which the relevant permit or relevant licence, or the permit or licence so affected, as the case may be, is subject, upon such conditions (if any) as are determined by the Joint Authority and specified in the instrument.

**(4)** Sub-section (1) or (3) does not authorize the making of an instrument to the extent that it would affect the term of a permit, licence or works authority.

**(5)** Where, in pursuance of sub-section (1) or (3), the Joint Authority suspends, or exempts the permittee from compliance with, any of the conditions to which a permit is subject, the Joint Authority may, if it considers the circumstances make it reasonable to do so, in the instrument of suspension or exemption or by a later instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension or exemption.

**Extension of term of permit where operations delayed, &c.**

**68. (1)** A permittee who has been or is being prevented from carrying on in the permit area any operations authorized by the permit may make an application to the Designated Authority for an extension of the term of the permit under this section.

**(2)** An application under sub-section (1)—

(a) shall be made not later than 1 month after the date of commencement of the circumstances causing the prevention but in any event before the permit concerned ceases to have effect;

(b) shall specify the operations that the permittee has been or is being prevented from carrying on;

(c) shall set out the circumstances by reason of which the permittee has been or is being prevented from carrying on those operations; and

(d) may set out any other matters that the permittee wishes to be considered.

**(3)** Where a permittee has made an application under sub-section (1), the Joint Authority shall, by instrument in writing served on the permittee—

(a) if it is satisfied that the permittee has been, by reason of circumstances beyond the control of the permittee, prevented from carrying on in the permit area, during any period during which the permit was in force otherwise than by reason of sub-section (4) or sub-section 30 (8), any of the operations specified in the application—extend the term of the permit by the period specified in the instrument, being a period not exceeding that first-mentioned period, subject to such conditions, if any, as it determines and so specifies; or

(b) in any other case—refuse the application.

**(4)** Where a permittee has made an application under sub-section (1) and an instrument under sub-section (3) has not been served on the permittee before the permit would, but for this sub-section, cease to have effect—

(a) any application under section 28 for the renewal of the permit lapses;

(b) the permittee may, notwithstanding anything contained in that section make an application under that section for the renewal of the permit—

(i) if the Joint Authority, by instrument under sub-section (3), extends the term of the permit for a specified period—within a period of 1 month after the expiration of the specified period; or

(ii) if the Joint Authority, by instrument under sub-section (3), refuses the application under sub-section (1)—within a period of 1 month after the day on which the instrument is served on the permittee; and

(c) the permit continues in force by reason of this sub-section until the expiration of that period of 1 month, or until an application is made under section 28 for the renewal of the permit, whichever first happens.

**Suspension of rights conferred by permit**

**69. (1)** Where the Joint Authority is satisfied that it is necessary to do so in the national interest, it shall, by instrument in writing served on the registered holder of a permit, suspend, either for a specified period or indefinitely, all or any of the rights conferred by the permit.

**(2)** Where any rights are suspended in accordance with sub-section (1), any conditions required to be complied with in the exercise of those rights are also suspended.

**(3)** The Joint Authority may, by instrument in writing served on the permittee, terminate a suspension of rights under sub-section (1).

**(4)** Where rights conferred by a permit are suspended in accordance with sub-section (1), the Joint Authority may, by the instrument of suspension or by a later instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension.

(**5**) If an instrument under this section results in the acquisition of property from a person, being an acquisition of property within the meaning of paragraph 51 (xxxi) of the Constitution, the Commonwealth is liable to pay to that person such compensation as is determined by agreement between the Commonwealth and that person or, in the absence of agreement, by action brought by that person against the Commonwealth in the High Court or the Supreme Court of, or having jurisdiction in, the State or Territory in relation to which the Joint Authority concerned is established.

**Surrender of permit, &c.**

**70. (1)** The Joint Authority may, on application made, in writing, to the Designated Authority by the registered holder of an instrument, being a permit, licence or works authority, subject to such conditions (if any) as the Joint Authority determines, consent to the surrender of the instrument—

(a) in the case of a permit or licence—as to all or some of the blocks in respect of which it is in force; or

(b) in the case of a works authority—in its entirety or as to some of the works or operations, or as to portion of the part of the adjacent area, to which it relates.

**(2)** Where an application is made under sub-section (1) to surrender a permit or licence as to some of the blocks that are the subject of the permit or licence, the Designated Authority may, of his own motion, and shall, at the request of the Commonwealth Minister or the Joint Authority, by instrument in writing served on the applicant, request the applicant to consult with him with respect to the shape of the area, or the shapes of the areas, as the case may be, constituted by the graticular sections to which the remaining blocks that are the subject of the permit or licence relate and, after any such request has been made, the application shall, for the purposes of this Act, be deemed to have been made in respect of such of the blocks that are the subject of the permit or licence as are, subject to sub-section (3), agreed between the Designated Authority and the applicant and specified in the agreement, or, in the absence of agreement, as are determined, in writing by the Joint Authority and specified in the instrument of determination.

(**3**) An agreement or determination shall not be made under sub-section (2) in respect of some of the blocks that are the subject of a permit or licence if the remaining blocks that are the subject of the permit or licence are blocks other than—

(a) in the case of a permit granted by way of the renewal of a permit— blocks of a kind referred to in sub-section 29 (2); or

(b) in any other case—blocks of a kind referred to in sub-section 24 (2).

(**4**) Where a determination referred to in sub-section (2) is made in relation to an application under sub-section (1), the Designated Authority shall, as soon as practicable after the making of the determination, cause a copy of the determination to be served on the applicant.

(**5**) Where an agreement or determination referred to in sub-section (2) is made in relation to an application under sub-section (1), the applicant is not entitled to surrender the permit or licence concerned as to a block to which the agreement or determination relates by reason only of the making of the agreement or determination.

(**6**) Subject to sub-section (7), the Joint Authority shall not, under subsection (1), consent to a surrender of an instrument unless the registered holder—

(a) has complied with the conditions to which the instrument is subject and with the provisions of this Act and the regulations;

(b) has paid all fees and amounts payable by him under this Act or an associated Act, or has made arrangements that are satisfactory to the Designated Authority for the payment of those fees and amounts;

(c) in the case of a surrender of an instrument (other than a surrender of a works authority as to some of the works and operations to which it relates)—

(i) has, to the satisfaction of the Designated Authority, removed from the area to which the surrender relates all property brought into that area by any person engaged or concerned in operations authorized by the instrument, or has made arrangements that are satisfactory to the Designated Authority with respect to that property;

(ii) subject to this Act and to the regulations, has made such provision (if any) as the Designated Authority thinks necessary, by reason of the operations carried on in that area by the registered holder, for the conservation and protection of, and for the prevention of the waste of, the natural resources in that area; and

(iii) has, to such extent as the Designated Authority thinks necessary, made good any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in the operations authorized by the instrument; and

(d) in the case of a surrender of a works authority as to some of the works and operations to which it relates—

(i) has, to the satisfaction of the Designated Authority, removed from the part of the adjacent area to which the authority relates all property (if any) brought into that part of the adjacent area in connection with the works or operations to which the proposed surrender relates, or has made arrangements that are satisfactory to the Designated Authority with respect to that property;

(ii) subject to this Act and to the regulations, has made such provision (if any) as the Designated Authority thinks necessary by reason of any operations carried on in that part of the adjacent area in connection with the works or operations to which the proposed surrender relates, for the conservation and protection of, and for the prevention of the waste of, the natural resources in that part of the adjacent area; and

(iii) has, to such extent as the Designated Authority thinks necessary, made good any damage to the sea-bed or subsoil in that part of the adjacent area caused by any person engaged or concerned in operations in connection with the works or operations to which the proposed surrender relates,

but, if the registered holder has complied with such of those requirements as are applicable to him, the Joint Authority shall not unreasonably refuse to consent to the surrender.

**(7)** Where the registered holder of an instrument referred to in sub-section (1) has not complied with the conditions to which the instrument is subject and with the provisions of this Act and of the regulations, the Joint Authority may, under that sub-section, consent to the surrender of the instrument if it is satisfied that, although the registered holder has not so complied, special circumstances exist that justify the giving of consent to the surrender.

(**8**) Where the Joint Authority, under sub-section (1), consents to a surrender of an instrument referred to in that sub-section, the registered holder of the instrument may, by instrument in writing served on the Designated Authority, surrender the first-mentioned instrument accordingly.

**(9)** In this section, “the area to which the surrender relates” means—

(a) in relation to a permit or licence—the blocks as to which the permit or licence is proposed to be surrendered, and includes the space above those blocks; and

(b) in relation to a works authority—so much of the part of the adjacent area to which the authority relates as is proposed to be surrendered.

**Cancellation of permit, &c.**

**71. (1)** Where the registered holder of a permit, licence or works authority has not complied with—

(a) a condition to which the permit, licence or works authority is subject;

(b) if he became the registered holder of the permit, licence or works authority by virtue of the approval, subject to conditions, and registration of an instrument under section 45—a condition to which the approval is subject;

(c) a provision of this Act or of the regulations,

the Joint Authority may, on that ground, by instrument in writing served on the registered holder, cancel the permit, licence or works authority.

(**2**) Where the registered holder of a permit, licence or works authority did not pay an amount payable by him under this Act or an associated Act within a period of 3 months after the day on which the amount became payable, the Joint Authority may, on that ground, by instrument in writing served on the registered holder, cancel the permit, licence or works authority.

(**3**) Where the Joint Authority, by instrument under sub-section (1) or (2), cancels a works authority on a ground referred to in that sub-section, the Joint Authority may, on that ground, by the same instrument, cancel the relevant permit or the relevant licence, as the case may be.

**(4)** The Joint Authority shall not, under this section, cancel a permit, licence or works authority unless—

(a) it has, by instrument in writing served on the registered holder, given not less than 2 months’ notice of its intention to cancel the permit, licence or works authority on that ground;

(b) it has served a copy of the instrument on such other persons (if any) as appear to it to be persons who would be adversely affected by the cancellation;

**(c)** it has, in the instrument, specified—

(i) the ground on which it intends to cancel the permit, licence or works authority; and

(ii) a date on or before which submissions in writing may be served on the Designated Authority in connection with the proposed cancellation; and

**(d)** after taking into account—

(i) any action taken by the registered holder to remove that ground or to prevent the recurrence of similar grounds; and

(ii) any matters so submitted on or before the specified date,

it is not satisfied that special circumstances exist that justify a decision not to cancel the permit, licence or works authority.

**Cancellation of permit, &c, not affected by other provisions**

**72. (1)** A permit, licence or works authority may be cancelled under section 71 on the ground that the registered holder has not complied with a provision of this Act or of the regulations, notwithstanding that he has been convicted of an offence by reason of his failure to comply with the provision.

**(2)** A person who was the registered holder of a permit, licence or works authority that has been cancelled on the ground that he has not complied with a provision of this Act or of the regulations may be convicted of an offence byreason of his failure to comply with the provision, notwithstanding that the permit, licence or works authority has been so cancelled.

(**3**) A permit, licence or works authority may be cancelled on the ground that the registered holder did not pay an amount payable by him under this Act or an associated Act within a period of 3 months after the day on which the amount became payable, notwithstanding that judgment for the amount has been obtained or that the amount, or any part of the amount, has been paid or recovered.

**(4)** A person who was the registered holder of a permit, licence or works authority that has been cancelled on the ground that he did not pay an amount payable by him under this Act or an associated Act within a period of 3 months after the day on which the amount became payable continues to be liable to pay that amount, together with any additional amount payable by reason of late payment of that amount, notwithstanding that the licence has been so cancelled.

**Removal of property, &c.**

**73. (1)** The regulations may make provision with respect to—

(a) the removal from an adjacent area, by the Designated Authority or otherwise, of structures, equipment and other property brought into that area for or in connection with the exploration of that area for minerals, or the exploitation of the natural resources, being minerals, of that area, being structures, equipment and other property that are not

used or intended to be used under and in accordance with a permit, licence, works authority or instrument of consent under section 74 that relates to that area;

(b) the disposal, by the Designated Authority, of structures, equipment and other property removed from an adjacent area by the Designated Authority in accordance with the regulations; and

(c) the recovery of costs and expenses incurred by the Designated Authority in connection with the removal and disposal, in accordance with the regulations, of structures, equipment and other property in an adjacent area, whether by way of deduction from the proceeds of the disposal of the structures, equipment and other property or otherwise.

**(2)** Subject to the regulations, no action lies in respect of the removal or disposal of any structure, equipment or other property by the Designated Authority in respect of an adjacent area in accordance with the regulations.

**Scientific investigations**

**74. (1)** The Joint Authority may, by instrument in writing, consent to the carrying on by any person of mineral exploration operations in the course of a scientific investigation in a part of an adjacent area, including a part of an adjacent area that includes a block that is the subject of a permit, licence or works authority or another instrument of consent under this section.

**(2)** An instrument of consent under sub-section (1) may be made subject to such conditions, if any, as are specified in the instrument.

(**3**) An instrument of consent in force under sub-section (1) authorizes the person specified in the instrument, subject to section 75 and in accordance with the conditions, if any, to which the instrument is subject, to carry on, in the part of an adjacent area so specified, the mineral exploration operations so specified in the course of the scientific investigation so specified.

**Interference with other rights**

**75.** A person carrying on operations in an adjacent area under a permit, licence, works authority or instrument of consent under section 74 shall not carry on those operations in a manner that interferes with—

(a) navigation;

(b) fishing;

(c) the conservation of the resources of the sea and sea-bed; or

(d) any operations of another person being lawfully carried on,

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty: $10,000.

**Safety zones**

**76. (1)** For the purpose of protecting a structure, or any equipment, in an adjacent area, the Designated Authority may, by instrument published in the *Gazette,* prohibit—

(a) all vessels;

(b) all vessels other than specified vessels; or

(c) all vessels other than vessels included in specified classes of vessels,

from entering or remaining in a specified area (in this section called a “safety zone”) surrounding the structure or equipment except with the consent in writing of the Designated Authority and in accordance with any conditions to which the consent is expressed to be subject.

**(2)** A safety zone specified in an instrument under sub-section (1) may extend to a distance of 500 metres around the structure or equipment specified in the instrument measured from each point of the outer edge of the structure or equipment.

(**3**) Where a vessel enters or remains in a safety zone specified in an instrument under sub-section (1) without the consent of the Designated Authority, or with that consent but otherwise than in accordance with the conditions (if any) to which that consent is expressed to be subject, the owner and the person in command or in charge of the vessel are each guilty of an offence against this section and are punishable, upon conviction, by a penalty of a fine not exceeding $100,000 or imprisonment for a term not exceeding 10 years, or both.

**Property in minerals**

**77.** Subject to this Act and to any rights of other persons, upon the recovery from a block, under and in accordance with a permit or licence, of any mineral in that block, the mineral becomes the property of the permittee or licensee, as the case may be.

**Records, &c, to be kept**

**78.** **(1)** The Designated Authority may, by instrument in writing served on a person carrying on operations in an adjacent area under a permit, licence, works authority or instrument of consent under section 74, direct that person to do any one or more of the following things:

(a) to keep such records and such accounts and other documents in connection with those operations as are specified in the instrument;

(b) to collect and retain such cores, cuttings and samples in connection with those operations as are so specified;

(c) to furnish to the Designated Authority or to such person as is so specified, in the manner so specified, such records, such reports, returns and other documents and such cores, cuttings and samples in connection with those operations as are so specified.

**(2)** A person to whom a direction is given under sub-section (1) shall comply with the direction.

Penalty: $10,000.

**Release of information**

**79. (1)** The Designated Authority may, at any time, make available to a Minister or a Minister of State of a State—

(a) any information in a record, or in a report, return or other document, that has been furnished to the Designated Authority under this Part, being information that relates to a part of the adjacent area; and

(b) any cores or cuttings from, or samples of, the sea-bed or subsoil of the adjacent area that have been so furnished to the Designated Authority.

**(2)** The Designated Authority shall, as and when required by the Commonwealth Minister, make available to the Commonwealth Minister any information or thing referred to in sub-section (1) and copies of any correspondence with, or document received or issued by, the Designated Authority in connection with this Act.

**(3)** The Designated Authority or a Minister may, at any time after the relevant day—

(a) make publicly known; or

(b) on request by a person, make available to that person,

any information in a record, or in a report, return or other document, that has been furnished to the Designated Authority or has been made available to that Minister under sub-section (1) or (2), being information that relates to the sea-bed or subsoil in a part of the adjacent area, but not including any matter in the record, or in the report, return or other document, that, in the opinion of the Designated Authority or that Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any such information.

**(4)** The Designated Authority or a Minister may, at any time after the relevant day—

(a) make publicly known any particulars of; or

(b) on request by a person, permit that person to inspect,

any cores or cuttings from, or samples of, the sea-bed or subsoil in a part of the adjacent area that have been furnished to the Designated Authority or have been made available to that Minister under sub-section (1) or (2).

**(5)** Where the registered holder of a permit, licence or works authority who has furnished to the Designated Authority a record, or a report, return, other document, core, cutting or sample, referred to in sub-section (1) has, before the relevant day—

(a) made publicly known any information contained in the record, or in the report, return or other document, or consented in writing to any of that information being made publicly known; or

(b) made publicly known any particulars of that core, cutting or sample, or has consented in writing to any particulars of that core, cutting or sample being made publicly known or to that core, cutting or sample being made available for inspection,

the Designated Authority or a Minister to whom that information or those particulars have been made available under sub-section (1) or (2) may, at any time after that information has, or those particulars have, been made publicly known or after that consent has been given—

(c) make that information available to any other person; or

(d) make those particulars available to any other person or permit any other person to inspect that core, cutting or sample,

as the case may be.

**(6)** For the purposes of sub-sections (3), (4) and (5), the relevant day is—

(a) the last day of the period of 12 months that commenced on the day on which the record, or the report, return, other document, core, cutting or sample, was furnished to the Designated Authority;

(b) the last day of the period of 12 months that commenced on the day on which, in the opinion of the Designated Authority, the work or operation in connection with which the record, or the report, return, other document, core, cutting or sample, was furnished was completed; or

(c) the last day of the term of the permit, licence or works authority that relates to the block or blocks in, on or above which, or to the part of the adjacent area in which, was carried out the work or operation in connection with which the record, or the report, return, other document, core, cutting or sample, was furnished,

whichever is the earliest.

**(7)** Notwithstanding sub-sections (3) and (4), the Designated Authority, a Minister or a Minister of State of a State may, at any time, make available to any person—

(a) any information in a record, or in a report, return or other document, that has been furnished to the Designated Authority in accordance with an instrument under section 74, being information that relates to a part of the adjacent area; and

(b) any cores or cuttings from, or samples of, the sea-bed or subsoil in a part of the adjacent area that have been so furnished to the Designated Authority.

**(8)** Except as provided by the preceding provisions of this section or for the purposes of the administration of this Act, an associated Act or the regulations, the Designated Authority or a Minister to whom any information, core, cutting or sample has been made available under sub-section (1) or (2) shall not—

(a) make publicly known, or make available to any person, any information contained in a record, or in a report, return or other document, referred to in any of those provisions; or

(b) make publicly known or available any particulars of, or permit any person to inspect, any core, cutting or sample so referred to.

**(9)** In this section, a reference to a core, cutting or sample includes a reference to a portion of a core, cutting or sample.

**Inspectors**

**80. (1)** The Joint Authority may, by instrument in writing, appoint a person to be an inspector for the purposes of this Act and the regulations.

**(2)** The Designated Authority may furnish to an inspector a certificate stating that he is such an inspector for the purposes of this Act and the regulations.

**(3)** Where the appointment of a person under this section expires or is revoked, that person shall forthwith surrender the certificate furnished to him under this section to the Designated Authority or, if the Designated Authority, by instrument in writing served on that person, specifies another person to whom the certificate is to be surrendered, to that other person.

**(4)** Except for the purposes of the administration of this Act, an associated Act or the regulations, a person who is or has been an inspector shall not, directly or indirectly, make a record of or divulge or communicate to any person any information acquired by him as such an inspector, being information respecting the affairs of any person disclosed or obtained under this Act, an associated Act or the regulations.

Penalty: $5,000 or imprisonment for 2 years, or both.

**Functions of inspectors**

**81.** **(1)** The functions of an inspector under this section are, for the purposes of this Act, the associated Acts and the regulations—

(a) to inspect any structure, vessel or aircraft that has been, is being or is proposed to be used in connection with mineral exploration operations, or operations for the recovery of minerals, authorized by a permit, licence or works authority;

(b) to inspect and test any equipment that has been, is being or is proposed to be used in connection with any such operations;

(c) to inspect, take extracts from and make copies of records, books, documents or papers relating to any such operations or relevant to the administration or operation of this Act, an associated Act or the regulations; and

(d) to inspect and take particulars or portions of cores or cuttings from, or samples of, the sea-bed or subsoil recovered in the course of any such operations.

**(2)** An inspector may, for the purpose of exercising the functions of an inspector under this section, enter premises or go into or upon a structure, vessel or aircraft—

(a) in the case of—

(i) premises that are in the occupation or possession of the registered holder of a permit, licence or works authority and are being used in connection with mineral exploration operations, or

operations for the recovery of minerals, authorized by the permit, licence or works authority; and

(ii) a structure, vessel or aircraft that is in the occupation or possession of such a registered holder and is being so used, at all reasonable times and on production, on demand by the registered holder or a person acting on his behalf, of the certificate furnished to the inspector under section 80; or

(b) in any other case—with the consent of the person in occupation or possession of the premises, structure, vessel or aircraft or in pursuance of a warrant granted under sub-section (4).

**(3)** An inspector may make an application to a Justice of the Peace for **a** warrant authorizing the inspector to enter premises that are, or go into or upon a structure, vessel or aircraft that is, in the occupation or possession of **a** person other than the registered holder of a permit, licence or works authority.

**(4)** If, on an application under sub-section (3), the Justice of the Peace is satisfied, by information on oath or affirmation, that it is reasonably necessary for the purposes of the administration or operation of this Act, an associated Act or the regulations that the inspector should, for the purpose of exercising the functions of an inspector under this section, have access to the premises, structure, vessel or aircraft specified in the application, the Justice of the Peace may grant a warrant authorizing the inspector, with such assistance as he thinks necessary, to enter those premises, or go into or upon that structure, vessel or aircraft, during the hours of the day or night specified in the warrant or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an inspector under this section.

**(5)** Where an inspector has entered any premises, or gone into or upon a structure, vessel or aircraft, in pursuance of sub-section (2), he may there exercise the functions of an inspector under this section.

**(6)** Where an inspector has entered any premises, or has gone into or upon a structure, vessel or aircraft, in pursuance of sub-section (2), the person in occupation or possession of the premises, structure, vessel or aircraft shall provide the inspector with all reasonable facilities and assistance for the effective exercise by him of the functions of an inspector under this section.

**(7)** A person shall not, without reasonable excuse, obstruct or hinder an inspector acting in pursuance of a warrant granted under sub-section (4) or in pursuance of sub-section (5).

Penalty: $5,000.

**Designated Authority may require information to be furnished, &c.**

**82. (1)** Where the Designated Authority has reason to believe that a person is capable of giving information, or producing records or documents, relating to any mineral exploration operations or operations for the recovery of minerals in the adjacent area or of producing cores or cuttings from, or samples of, the

sea-bed or subsoil in the adjacent area recovered in the course of any such operations, he may, by instrument in writing served on that person, require that person—

(a) to furnish to him, or to an inspector specified in the instrument,by writing signed by that person or, in the case of a body corporate, by a competent officer of the body corporate, within the period and in the manner so specified, any such information; or

(b) to attend before him, or before an inspector specified in the instrument, at such time and place as is so specified and there—

(i) to answer questions relating to those operations;

(ii) to produce such records or documents relating to those operations as are so specified; and

(iii) to produce such cores or cuttings from, or samples of, the sea-bed or subsoil in the adjacent area recovered in the course of those operations as are so specified.

**(2)** A person is not excused from furnishing information, answering a question or producing a record, document, core, cutting or sample when required to do so under this section on the ground that the information so furnished, the answer to the question or the production of the record, document, core, cutting or sample might tend to incriminate him or make him liable to a penalty, but the furnishing of the information, his answer to the question or the production of the record, document, core, cutting or sample is not admissible in evidence against him in proceedings other than proceedings for an offence against section 84.

**(3)** In this section, a reference to a core, cutting or sample includes a reference to a portion of a core, cutting or sample.

**Power to examine on oath of affirmation**

**83. (1)** The Designated Authority or an inspector may examine, on oath or affirmation, a person attending before him in pursuance of section 82 and, for that purpose, may administer an oath or affirmation to that person.

**(2)** The oath or affirmation to be made by a person for the purposes of sub-section (1) is an oath or affirmation that the answers he will give to questions asked him will be true.

**Failure to furnish information, &c.**

**84.** A person shall not—

(a) without reasonable excuse, refuse or fail to comply with a requirement in an instrument under section 82 to the extent to which he is capable of complying with it;

(b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular; or

(c) when attending before the Designated Authority or an inspector in pursuance of such a requirement—

(i) without reasonable excuse, refuse or fail to be sworn or make an affirmation when so required in pursuance of section 83; or

(ii) knowingly make a statement or produce a record or document that is false or misleading in a material particular.

Penalty: $10,000.

**Fees received on behalf of Commonwealth**

**85.** Moneys received by the Designated Authority as fees payable under this Act shall be deemed to be received by the Designated Authority on behalf of the Commonwealth.

**Payments by Commonwealth to States and Northern Territory**

**86.** (**1**) The Commonwealth shall, not later than the last day of each month of the year, pay to each State an amount equal to 60% of each amount, being—

(a) an amount of royalty payable under the Royalty Act; or

(b) an amount payable under that Act by reason of late payment of royalty,

in respect of a mineral recovered in the adjacent area, received by the Commonwealth during the preceding month.

(**2**) The Commonwealth shall, in accordance with arrangements approved by the Minister, pay to each State amounts equal to all moneys payable to the Designated Authority on behalf of the Commonwealth under this Act or an associated Act (other than the Royalty Act) in relation to the adjacent area.

(**3**) In this section, a reference to a State shall be read as including a reference to the Northern Territory.

(**4**) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of this section.

**Publication in *Gazette***

**87.** Where—

(a) an instrument, or particulars of an instrument, having effect in relation to an adjacent area; or

(b) a notice relating to any matter connected with—

(i) the exploration of the sea-bed or subsoil of an adjacent area for minerals; or

(ii) the exploitation of the natural resources, being minerals, of the sea-bed or subsoil of an adjacent area,

is required by this Act, the Royalty Act or the regulations to be published in the *Gazette,* the instrument, particulars or notice may be published in the Government Gazette of the State or Territory in respect of which that area is the adjacent area and, if so published, shall be deemed to have been published in the *Gazette.*

**Judicial notice**

**88. (1)** All courts shall take judicial notice of the signature of a person who is, or has been, the Designated Authority, or a delegate of the Designated Authority, in respect of an adjacent area and of the fact that that person is, or was, at a particular time, the Designated Authority, or a delegate of the Designated Authority, in respect of that area.

(**2**) In this section, “court” includes any Federal or State Court or court of a Territory, and all persons authorized by the law of the Commonwealth, of a State or of a Territory or by consent of parties to receive evidence.

**Service**

**89.** **(1)** A document required or permitted by this Act to be served on a person other than the Designated Authority or a corporation may be served—

(a) by delivering the document to that person personally;

(b) by prepaying and posting the document as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at 2 or more places, at 1 of those places;

(c) by leaving the document at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than 16 years of age; or

(d) by leaving the document at the last known place of business of that person or, if he is carrying on business at 2 or more places, at 1 of those places with some person apparently in the service of that person and apparently not less than 16 years of age.

(**2**) A document required or permitted by this Act to be served on the Designated Authority shall be served—

(a) by prepaying and posting the document as a letter addressed to the Designated Authority at a place of business of the Designated Authority; or

(b) by leaving it at a place of business of the Designated Authority with some person apparently employed in connection with the business of the Designated Authority and apparently not less than 16 years of age.

(**3**) A document required or permitted by this Act to be served on the Joint Authority shall be deemed to be duly served if it is served on the Designated Authority.

**(4)** A document required or permitted by this Act to be served on a person, being a corporation, may be served—

(a) by prepaying and posting the document as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at 2 or more places, at 1 of those places; or

(b) by leaving it at that place, or at 1 of those places, with some person apparently in the service of the corporation and apparently not less than 16 years of age.

**(5)** Where a document required or permitted by this Act to be served is posted as a letter in accordance with this section, service shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

**Exploration for, and recovery of, minerals**

**90.** A person shall not—

(a) explore for minerals in an adjacent area except under and in accordance with a permit or as otherwise permitted by this Part; or

(b) carry on operations for the recovery of minerals in an adjacent area except under and in accordance with a licence or as otherwise permitted by this Part.

Penalty: $50,000 or imprisonment for 5 years, or both.

**Continuing offences**

**91.** **(1)** Where an offence is committed by a person by reason of his failure to comply, within the period specified in a direction given to him under this Act, with a requirement specified in the direction, the offence, for the purposes of sub-section (3), shall be deemed to continue so long as the thing required to be done remains undone, notwithstanding that the period has elapsed.

(**2**) Where an offence is committed by a person by reason of his failure to comply with a requirement made by this Act or the regulations, the offence, for the purposes of sub-section (3), shall be deemed to continue so long as the thing required to be done remains undone, notwithstanding that any period within which the requirement was to be complied with has elapsed.

(**3**) Where, under sub-section (1) or (2), an offence is to be deemed to continue, the person who committed the offence commits an additional offence against this Act on each day during which the offence is to be deemed to continue and is liable, upon conviction for such an additional offence, to a fine not exceeding $10,000.

**Prosecution of offences**

**92.** (1) The offences to which this section applies are—

(a) offences against this Act (being offences arising under this Part) or the regulations; and

(b) offences arising under section 5 or 7 of the *Crimes Act* 1914 in relation to an offence referred to in paragraph (a).

(**2**) If proceedings in respect of an offence to which this section applies are brought in a court of summary jurisdiction, the maximum penalty that the court may impose in respect of the offence is a fine of $5,000 or the maximum fine provided by this Act or the regulations in respect of the offence, whichever is the less.

(**3**) The Attorney-General or a person acting with his authority or consent may bring proceedings in the Supreme Court in respect of an offence to which this section applies.

**(4)** The Supreme Court shall try the offence summarily, and if the defendant is convicted, may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations in respect of the offence.

**(5)** The Supreme Court may make such other orders in relation to the conviction as might be made by a court of summary jurisdiction of the State or Territory.

**(6)** The procedure of the Supreme Court in relation to proceedings brought in the Supreme Court under sub-section (3) and in relation to convictions and other orders under this section shall be as prescribed by rules of the Court or, in the absence of rules, as the Supreme Court determines.

**(7)** The Supreme Court of each State is invested with federal jurisdiction and jurisdiction is conferred on the Supreme Court of each Territory with respect to matters in respect of which proceedings may be brought in that Court by virtue of sub-section (3).

**(8)** In this section, “the Supreme Court” means the Supreme Court of, or having jurisdiction in, the State or Territory in respect of which the adjacent area in, or in relation to, which the offence is alleged to have been committed is the adjacent area.

**Orders for forfeiture**

**93.** **(1)** Where a person is convicted by a Supreme Court—

(a) of an offence against this Act arising under section 90; or

(b) of an offence arising under section 5 or 7 of the *Crimes Act* 1914 in relation to an offence referred to in paragraph (a),

the Court may, in addition to imposing a penalty, make 1 or more of the following orders:

(c) an order for the forfeiture of a specified aircraft or vessel used in the commission of the offence;

(d) an order for the forfeiture of specified equipment used in the commission of the offence;

(e) an order—

(i) for the forfeiture of specified minerals recovered in the course of the commission of the offence;

(ii) for the payment by that person to the Commonwealth of an amount equal to the proceeds of the sale of specified minerals so recovered; or

(iii) for the payment by that person to the Commonwealth of an amount equal to the value, assessed by the Court, of the quantity, so assessed, of minerals so recovered or for the payment of such part of that amount as the Court, having regard to all the circumstances, thinks fit.

**(2)** Where the Court is satisfied that an order made under sub-paragraph (1) (e) (i) cannot, for any reason, be enforced, the Court may, upon the application of the person by whom the proceedings were brought, set aside the order and make either of the orders referred to in sub-paragraphs (1) (e) (ii) and (iii).

**(3)** The Court may, before making an order under this section, require notice to be given to, and hear, such persons as the Court thinks fit.

**(4)** Goods in respect of which an order is made under this section shall be dealt with as the Attorney-General directs and, pending his direction, may be detained in such custody as the Court directs.

**Time for bringing proceedings for offences**

**94.** Proceedings in respect of—

(a) an offence against this Act (being an offence arising under this Part) or the regulations; or

(b) an offence arising under section 5 or 7 of the *Crimes Act* 1914 in relation to an offence referred to in paragraph (a),

may be brought at any time.

***Division 7*—*Transitional Provisions***

**Interpretation**

**95.** In this Division, unless the contrary intention appears—

“prescribed exploitation authority” means an instrument under the law of a State or Territory that is expressed to authorize operations for the recovery of any minerals in any submarine area, being an area that forms part of the adjacent area;

“prescribed exploration authority” means an instrument under the law of a State or Territory that is expressed to authorize exploration or prospecting for any minerals in any submarine area, being an area that forms part of the adjacent area;

“prescribed instrument” means a prescribed exploration authority or a prescribed exploitation authority.

**This Division prevails over other provisions**

**96.** The application of the provisions of this Part other than this Division to and in relation to—

(a) an application for a permit or licence made under this Division; and

(b) a permit or licence granted on such an application, is subject to the provisions of this Division.

**Exploration, &c, under prescribed instruments**

**97.** **(1)** Where the holder of a prescribed exploration authority has made an application for a permit under this Division, it is not an offence against section 90 for a person to explore, under and in accordance with that authority

and subject to this Act and the regulations, for minerals in the blocks specified in the application, until the Joint Authority grants, or refuses to grant, a permit on the application.

(**2**) Where the holder of a prescribed exploitation authority has made an application for a licence under this Division, it is not an offence against section 90 for a person to carry on, under and in accordance with that authority and subject to this Act and the regulations, any operation for the recovery of minerals in the blocks specified in the application, until the Joint Authority grants, or refuses to grant, a licence on the application.

(**3**) Where the holder of a prescribed instrument has made an application under section 99, sections 75, 78, 79 and 81 apply to and in relation to him until the Joint Authority grants, or refuses to grant, a permit or licence on the application and, for the purposes of those sections as so applying—

(a) a reference in any of those sections to a permit shall be read as including a reference to a prescribed instrument; and

(b) a reference in any of those sections to the registered holder of a permit shall be read as including a reference to the holder of a prescribed instrument.

**Certain portions of blocks to be blocks**

**98.** (**1**) Where a portion only of a block constituted as provided by section 21 is included, or portions only of such a block are included, in a part of an area that is the subject of a prescribed instrument, then, for the purposes of this Part—

(a) that portion constitutes, or those portions constitute, a block; and

(b) so much of the block constituted as provided by that section as is not included in a part of that area and is not included in a part of an area that is the subject of another prescribed instrument constitutes a block.

(**2**) Where a block that is constituted as provided by this section ceases to be the subject of a permit, licence or prescribed instrument, the Designated Authority may, by instrument in writing, if he considers it desirable to do so, determine that that block shall be amalgamated with another block, being a block that—

(a) is constituted as provided by this section; and

(b) relates to the graticular section to which that first-mentioned block relates.

(**3**) The Designated Authority shall not make a determination under subsection (2) amalgamating a block with a block in respect of which a permit, licence or prescribed instrument is in force except with the consent of the registered holder of the permit or licence, or the holder of the prescribed instrument, as the case may require.

(**4**) Where a determination is made under sub-section (2), then, for the purposes of this Part—

(a) the portions of the sea-bed constituting the blocks the subject of the determination cease to constitute those blocks and together constitute a block; and

(b) the block constituted by reason of the determination is, subject to this Part, for the remainder of the term of any permit, licence or prescribed instrument affected by the determination, a block in respect of which the permit, licence or prescribed instrument, as the case may be, is in force.

**Application for permit, &c.**

**99.** **(1)** A person who is the holder of a prescribed exploration authority at the time of commencement of this Act may make an application to the Designated Authority for the grant of a permit or permits in accordance with this section.

(**2**) A person who is the holder of a prescribed exploitation authority at the time of commencement of this Act may make an application to the Designated Authority for the grant of a licence or licences in accordance with this section.

(**3**) An application under this section—

(a) shall be in accordance with an approved form;

(b) shall be made in an approved manner;

(c) shall contain particulars of the prescribed instrument concerned;

(d) shall specify the blocks in respect of which the application is made;

(e) shall be accompanied by the particulars referred to in paragraph 24 (1) (e);

(f) shall comply with sub-section 24 (2);

(g) may set out any other matters that the applicant wishes to be considered; and

(h) shall be accompanied by a fee of $300.

**(4)** Subject to sub-section (5), an application under this section may be made in respect of all or some of the blocks that relate to the graticular sections that relate to the part of the adjacent area that is the subject of the prescribed instrument concerned.

**(5)** Where part only of a block that is constituted as provided by section 21 is included in a part of the area the subject of a prescribed instrument, an application under this section shall not be made in respect of a block constituted as provided by section 98—

(a) that forms part of that first-mentioned block; and

(b) that is the subject of a permit or licence, or of another prescribed instrument, of which the holder is a person other than the applicant.

(**6**) An application under this section may be made—

(a) in the case of an application for a permit—in respect of more than 500 blocks; or

(b) in the case of an application for a licence—in respect of more than 50 blocks.

**(7)** Where a permit or licence is not granted on an application under this section, the applicant is not entitled to the refund of the fee, or any part of the fee, accompanying the application.

**Grant of transitional permit, &c.**

**100. (1)** The Joint Authority may, after considering an application under section 99, grant to the applicant an exploration permit, or a production licence, as the case may require.

(**2**) A permit or licence granted on an application under section 99—

(a) shall be in respect of such of the blocks in respect of which the application was made as the Joint Authority determines and are specified in the permit or licence;

(b) shall be in respect of minerals or, if the Joint Authority so determines, in respect of minerals other than such minerals (not being minerals to which the prescribed instrument concerned relates) as are specified in the permit or licence;

(c) may be granted subject to such conditions as the Joint Authority, after having taken into account the conditions to which the prescribed instrument concerned was subject, thinks fit and specifies in the permit or licence; and

(d) remains in force, unless sooner surrendered or cancelled, for the period specified by the Joint Authority in the permit or licence, being a period that ends on the day that is the last day of the term for which the prescribed instrument concerned was granted.

(**3**) A permit granted under this section may be renewed as if it were a permit granted under Division 2.

**(4)** A licence granted under this section may be renewed as if it were a licence granted under Division 3.

**(5)** Section 38 does not apply to or in relation to a licence granted under this section.

**PART V—MISCELLANEOUS**

**Jurisdiction of courts**

**101.** **(1)** Subject to this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories,

with respect to matters arising under this Act, an associated Act or the regulations, other than matters arising under the applied provisions.

(**2**) The jurisdiction vested in or conferred on courts by sub-section (1) is invested or conferred within the limits, other than limits having effect by reference to localities, of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

**Validation of certain acts**

**102.** Where a person or court has done an act in the purported exercise of apower or function under the law of a State or Territory and that act could have been done by that person or court in the exercise of a power or function under the applied provisions, that act shall be deemed to have been done by that person or court in the exercise of the power or function under those provisions.

**Points, &c, to be ascertained by reference to Australian Geodetic Datum**

**103.** **(1)** Subject to section 104, where, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of $\frac{100}{29825}$ and by reference to the position of the Johnston Geodetic Station in the Northern Territory.

**(2)** That station shall be taken to be situated at 133 degrees, 12 minutes and 30.0771 seconds of East Longitude and at 25 degrees, 56 minutes and 54.5515 seconds of South Latitude and to have a ground level of 571.2 metres above the spheroid referred to in sub-section (1).

**Certain points, &c, to be ascertained by other means**

**104.** (1) In this section, “International Sea-bed Agreement” means—

(a) the Agreement between Australia and Indonesia establishing certain sea-bed boundaries signed at Canberra on 18 May 1971;

(b) the Agreement between Australia and Indonesia establishing certain sea-bed boundaries in the area of the Timor and Arafura Seas supplementary to the Agreement referred to in paragraph (a) and signed at Jakarta on 9 October 1972; or

(c) the Agreement between Australia and Indonesia concerning certain boundaries between Papua New Guinea and Indonesia signed at Jakarta on 12 February 1973.

(**2**) Where, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of a point or line specified in an International Sea-bed Agreement, or of a point on, or part of, such a line, that position shall be determined in accordance with that Agreement or, if that Agreement is varied, in accordance with that Agreement as varied for the time being.

**Regulations**

**105.** (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**(2)** In particular, but without limiting the generality of sub-section (1) the regulations may make provision for securing, regulating, controlling or restricting all or any of the following matters:

(a) the exploration of an adjacent area for minerals and the carrying on of operations, and the execution of works, for that purpose;

(b) the exploitation of the natural resources, being minerals, of an adjacent area and the carrying on of operations, and the execution of works, for that purpose;

(c) the conservation and protection of, and the prevention of the waste of, the natural resources, being minerals, of an adjacent area;

(d) the making good of damage to the sea-bed or subsoil in an adjacent area caused by the carrying on of operations connected with the exploration for, or the exploitation of, minerals in that area;

(e) the construction, erection, maintenance, operation or use of installations or equipment;

(f) the control of the flow or discharge, and the prevention of the escape, of water or drilling fluid or a mixture of water or drilling fluid with any other matter;

(g) the clean-up or other remedying of the effects of the escape of any substance or mixture of substances;

(h) the safety, health and welfare of persons in or about an adjacent area who are engaged or concerned in the exploration for, or the exploitation of, minerals in that area;

(j) the maintaining in good condition and repair of all structures, equipment and other property in an adjacent area used or intended to be used for or in connection with the exploration for, or the exploitation of, minerals in that area.

**(3)** The regulations may prescribe, in relation to the exploration for, and the exploitation of, the natural resources, being minerals, of the continental shelf, matters for carrying out or giving effect to the Convention.

**(4)** The regulations may provide, in respect of an offence against the regulations, for the imposition of—

(a) a fine not exceeding $10,000; or

(b) a fine not exceeding that amount for each day on which the offence is, as provided by the regulations, to be deemed to continue.