



Offshore Minerals (Exploration Activities) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 30 August 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Matt Canavan
Minister for Resources and Northern Australia

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1 Name

This instrument is the *Offshore Minerals (Exploration Activities) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	1 September 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Offshore Minerals Act 1994*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Designated Authority;
- (b) exploration;
- (c) holder;
- (d) licence;
- (e) licence area;
- (f) offshore area;
- (g) sample.

In this instrument:

Act means the *Offshore Minerals Act 1994*.

geological data includes:

- (a) geological maps, profiles and drill logs prepared in connection with geological exploration; and
- (b) the results of geotechnical, geochemical, geophysical, mineralogical and sedimentological investigation undertaken on samples.

geophysical data includes:

- (a) bathymetric, gravitational, magnetic, navigational and seismic measurements; and
- (b) data collected by means of sidescan sonar, sidescan radar, or a sub-bottom profiler.

relevant Designated Authority, for a licence, means the Designated Authority for the offshore area in which the licence area is located.

return period, for a licence, means a period:

- (a) beginning:
 - (i) on the day the licence comes into force; or
 - (ii) on an anniversary of the day the licence comes into force; and
- (b) ending:
 - (i) at the end of 12 months beginning on the day the period begins; or
 - (ii) if the licence ceases to be in force before the end of that 12 months—on the last day the licence is in force.

6 Keeping samples obtained in the course of exploration activities

- (1) For the purposes of paragraph 440(2)(f) of the Act, if a licence holder obtains a sample in the course of an exploration activity carried out under the licence, the licence holder must keep the sample in accordance with this section.
- (2) The licence holder must keep the sample in good condition.
- (3) The licence holder must keep the sample for at least:
 - (a) 1 year after the end of the return period for the licence during which the sample was obtained; or
 - (b) if the relevant Designated Authority and the licence holder agree, in writing, on a shorter period—that shorter period.

7 Making returns of exploration activities

- (1) For the purposes of paragraph 440(2)(h) of the Act, if a licence holder carries out an exploration activity under the licence during a return period for the licence, the licence holder must make a return, in writing, in accordance with this section.
- (2) The licence holder must give the return to the relevant Designated Authority for the licence within:
 - (a) 3 months after the end of the return period; or
 - (b) if the relevant Designated Authority and the licence holder agree, in writing, on a longer period (that is not more than 6 months after the end of the return period)—that longer period.

Note: Under Division 137 of the *Criminal Code*, it may be an offence to provide false or misleading information or documents to a Designated Authority in purported compliance with this instrument.

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- (3) The return must include the following for each exploration activity carried out under the licence during the return period:
- (a) details of the type and location of the activity;
 - (b) any of the following data acquired in the course of the activity:
 - (i) data relating to the physical and biological environment in the licence area at the beginning of the return period;
 - (ii) geological data;
 - (iii) geophysical data;
 - (c) if any mineral samples or geoscientific profiles were taken in the course of the activity:
 - (i) a list of the locations at which the mineral samples or geoscientific profiles were taken; and
 - (ii) a chart, of appropriate size and scale, that clearly identifies the locations at which the mineral samples or geoscientific profiles were taken;
 - (d) the depth of water at the place where the activity was carried out;
 - (e) any other data, related to any of the matters mentioned in paragraphs (a) to (d), recorded by the licence holder in connection with the activity;
 - (f) details of the equipment used to carry out the activity;
 - (g) the total expenditure incurred in carrying out the activity.

Accompanying documents

- (4) The return must be accompanied by a copy of:
- (a) any map, log or record associated with, or necessary to interpret, the return; and
 - (b) if the return includes geophysical data—an observer log relating to that data.

Form

- (5) The return (and any accompanying documents) must be in a form approved by the relevant Designated Authority under section 8.

Copies

- (6) When the licence holder gives the return (and any accompanying documents) to the relevant Designated Authority, the licence holder must also give a copy of the return (and any accompanying documents) to the relevant Designated Authority.

8 Form for returns of exploration activities and accompanying documents

- (1) The relevant Designated Authority for an offshore area must approve the form for a return (and any accompanying documents) under section 7.

Section 8

- (2) The Designated Authority must publish the approved form on the website of the Department administered by the Designated Authority.

Schedule 1—Repeals

Offshore Minerals (Data Lodgment and Reporting) Regulations 1996

1 The whole of the instrument

Repeal the instrument.