

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

 (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.