



Offshore Minerals Act 1994

Act No. 28 of 1994 as amended

This compilation was prepared on 30 January 2012
taking into account amendments up to Act No. 113 of 2011

Volume 2 includes:

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The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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Schedule 1—Savings and transitional provisions

Part 1—General

1 Correspondence of permits etc. under 1981 Act and licences under this Act

For the purposes of this Schedule:

- (a) an exploration permit under the 1981 Act and an exploration licence under this Act correspond to each other; and
- (b) a production licence under the 1981 Act and a mining licence under this Act correspond to each other; and
- (c) a works authority under the 1981 Act and a works licence under this Act correspond to each other; and
- (d) an instrument of consent under section 74 of the 1981 Act and a special purpose consent under this Act correspond to each other.

2 Correspondence of provisions

- (1) If one provision of the 1981 Act and one provision of this Act have the same legal effect, the 2 provisions correspond to each other.
- (2) If:
 - (a) one provision of the 1981 Act has a particular legal effect in relation to a number of permit types; and
 - (b) a provision of this Act has that legal effect in relation to one only of those permit types;the 2 provisions correspond to each other for the purposes of applying this Schedule to that permit type.
- (3) In this clause:

legal effect includes conferring the power to issue a document.

permit type means:

- (a) in relation to the 1981 Act:
 - (i) an exploration permit; or
 - (ii) a production licence; or

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- (iii) a works authority; or
- (iv) an instrument of consent under section 74 of that Act;
and
- (b) in relation to this Act:
 - (i) a retention licence; or
 - (ii) an exploration licence; or
 - (iii) a mining licence; or
 - (iv) a works licence; or
 - (v) a special purpose consent.

3 References in documents to provisions of the 1981 Act

A reference in a document to a provision of the 1981 Act is to be construed as a reference to the corresponding provision of this Act.

Part 2—Savings and transitional provisions applicable on the transition from the Minerals (Submerged Lands) Act 1981 to this Act

4 Instruments in force under the 1981 Act on the commencement of this Act

- (1) An instrument that was in force under a provision of the 1981 Act immediately before the commencement of this Act has effect, from that commencement, as if it were an instrument made under the corresponding provision of this Act.
- (2) Without limiting subsection (1), the instrument may be:
 - (a) a determination; or
 - (b) a direction; or
 - (c) an approval; or
 - (d) a notice; or
 - (e) a declaration.
- (3) Subsection (1) does not apply to a delegation under section 20 of the 1981 Act.
- (4) If an instrument to which subsection (1) applies was, when made, to have effect only for a limited period, the instrument has effect under subsection (1) only for so much of the period as had not already expired before the commencement of this Act.

5 Regulations under the 1981 Act

- (1) Subject to subsection (3), any regulations made under the 1981 Act and in force immediately before the commencement of this Act continue in force as if they were made under this Act.
- (2) A reference in a regulation so continued in force to a provision of the 1981 Act is taken to be a reference to the corresponding provision of this Act.

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Part 2 Savings and transitional provisions applicable on the transition from the Minerals (Submerged Lands) Act 1981 to this Act

Section 6

- (3) This section does not apply to a regulation the making of which would not be authorised by this Act.

6 Saving of application for permit etc. under the 1981 Act

- (1) If:
- (a) a person applied for an exploration permit under the 1981 Act before the commencement of this Act; and
 - (b) the application is not determined before that commencement; the application has effect from that commencement as if it were an application for an exploration licence under this Act.
- (2) If:
- (a) a person applied for a production licence under the 1981 Act before the commencement of this Act; and
 - (b) the application is not determined before that commencement; the application has effect from that commencement as if it were an application for a mining licence under this Act.
- (3) If:
- (a) a person applied for a works authority under the 1981 Act before the commencement of this Act; and
 - (b) the application is not determined before that commencement; the application has effect from that commencement as if it were an application for a works licence under this Act.
- (4) If:
- (a) a person applied for a consent under section 74 of the 1981 Act before the commencement of this Act; and
 - (b) the application is not determined before that commencement; the application has effect from that commencement as if it were an application for a special purpose consent under this Act.

7 Saving of exploration permits

- (1) An exploration permit that was in force under the 1981 Act immediately before the commencement of this Act has effect from that commencement as if it were an exploration licence in force under this Act.

- (2) If subsection (1) applies to an exploration licence:
- (a) the licence remains in force for a period of 2 years commencing on the day on which the licence is granted; and
 - (b) section 104 of this Act does not apply to the licence.
- (3) If:
- (a) subsection (1) applies to an exploration licence; and
 - (b) the licence holder applies to renew the licence;
- the holder must surrender on each surrender day of the licence:
- (c) 25% of the number of blocks in the licence area; or
 - (d) if 25% of that number is a whole number and a fraction—the next higher whole number.

8 Saving of instruments under the 1981 Act

If an instrument:

- (a) is an instrument of a kind referred to in column 2 of the following Table; and
- (b) was in force immediately before the commencement of this Act;

then the instrument continues in force immediately after that commencement as if, at the time it had been made, it had been made in the same terms as an instrument of the kind referred to in the corresponding item in column 3 of the Table:

TABLE		
Column 1 Item	Column 2 Instrument made under the Minerals (Submerged Lands) Act 1981	Column 3 Instrument made under this Act
1.	Declaration under section 22 of a reserved block.	Declaration under section 18 of a reserved block.
2.	Direction under section 65.	Direction under section 387.
3.	Prohibition under section 76.	Declaration under section 403.
4.	Direction under section 78.	Directions under sections 368, 370, 371 and 387.

Schedule 1 Savings and transitional provisions

Part 2 Savings and transitional provisions applicable on the transition from the Minerals (Submerged Lands) Act 1981 to this Act

Section 8

TABLE		
Column 1 Item	Column 2 Instrument made under the Minerals (Submerged Lands) Act 1981	Column 3 Instrument made under this Act
5.	Appointment of person under subsection 80(1) to be an inspector.	Appointment of person under section 421 to be an inspector.
6.	Certificate under subsection 80(2).	Identity card under section 422.
7.	Request under section 82.	Request under section 367.

Table of Acts**Notes to the *Offshore Minerals Act 1994*****Note 1**

The *Offshore Minerals Act 1994* as shown in this compilation comprises Act No. 28, 1994 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Offshore Minerals Act 1994</i>	28, 1994	25 Feb 1994	25 Feb 1994	
<i>Primary Industries and Energy Legislation Amendment Act 1994</i>	94, 1994	29 June 1994	Schedule 1 (in part) (a)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 1) 1996</i>	18, 1996	28 June 1996	Schedule 1: 25 Feb 1994	—
<i>Crimes at Sea Act 2000</i>	13, 2000	31 Mar 2000	Ss. 1 and 2: Royal Assent Remainder: 31 Mar 2001	Sch. 2 (item 11)
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419)
<i>Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Act 2001</i>	140, 2001	1 Oct 2001	2 Oct 2001	S. 4
<i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i>	17, 2006	29 Mar 2006	Schedule 2 (items 55–71): 1 July 2008 (<i>see</i> s. 2(1) and F2008L02273)	—
<i>Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008</i>	117, 2008	21 Nov 2008	Schedule 3 (items 24–31): 22 Nov 2008	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010</i>	4, 2010	19 Feb 2010	Schedule 11 (item 13): 20 Feb 2010	—
<i>Acts Interpretation Amendment Act 2011</i>	46, 2011	27 June 2011	Schedule 2 (item 878) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
<i>Offshore Resources Legislation Amendment (Personal Property Securities) Act 2011</i>	113, 2011	14 Oct 2011	Schedule 1 (item 1): 30 Jan 2012 (see F2011L02397)	—

Act Notes

- (a) The *Offshore Minerals Act 1994* was amended by the *Primary Industries and Energy Legislation Amendment Act 1994* subsection 2(7) of which provides as follows:
- (7) The amendment of the *Offshore Minerals Act 1994* made by the Schedule is taken to have commenced on 25 February 1994.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Reader's Guide	am. No. 17, 2006; No. 117, 2008
Chapter 1	
Part 1.1	
S. 3	am. No. 17, 2006; No. 117, 2008
Note to s. 3(1)	am. No. 17, 2006; No. 117, 2008
Note 4 to s. 3(2).....	am. No. 17, 2006; No. 117, 2008
Part 1.2	
Division 1	
S. 11	am. No. 140, 2001
S. 11A	ad. No. 140, 2001
Division 2	
S. 13	am. No. 17, 2006; No. 117, 2008
Note to s. 13(1)	am. No. 17, 2006; No. 117, 2008
S. 14	am. No. 17, 2006; No. 117, 2008
Note 1 to s. 14(1).....	am. No. 17, 2006; No. 117, 2008
Note 2 to s. 14(1).....	am. No. 17, 2006; No. 117, 2008
Note to s. 14(2)	rs. No. 17, 2006 am. No. 117, 2008
Heading to s. 15	am. No. 18, 1996
S. 15	am. No. 18, 1996
S. 16	am. No. 17, 2006; No. 117, 2008
Part 1.4	
Note 2 to s. 35.....	am. No. 17, 2006; No. 117, 2008
Chapter 2	
Part 2.1	
S. 44	am. No. 140, 2001
Chapter 3	
Part 3.1	
Division 1	
Note 2 to s. 328(1).....	rs. No. 137, 2000
Part 3.2	
Division 2	
S. 364.....	am. No. 140, 2001
Chapter 4	
Part 4.1	
S. 372.....	am. No. 140, 2001
Part 4.2	
Division 1	
S. 378.....	am. No. 4, 2010

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 2	
Note to s. 390(2).....	am. No. 46, 2011
Division 5	
S. 404.....	am. No. 140, 2001
Note to s. 404(4).....	ad. No. 140, 2001
Division 6	
S. 405.....	am. No. 137, 2000
Note 2 to s. 405(2).....	rs. No. 137, 2000
Note 4 to s. 405(2).....	rs. No. 137, 2000
Note 5 to s. 405(2).....	am. No. 137, 2000
Note 7 to s. 405(2).....	ad. No. 137, 2000
Part 4.5	
S. 423.....	rs. No. 140, 2001
Chapter 5	
Part 5.1	
S. 429.....	am. No. 13, 2000
Part 5.2	
S. 439A.....	ad. No. 113, 2011
Schedule 1	
Schedule 1.....	am. No. 94, 1994
Schedule 2.....	rep. No. 17, 2006

Table A**Table A****Application, saving or transitional provisions**

Crimes at Sea Act 2000 (No. 13, 2000)

Schedule 2**11 Application of amendments**

- (1) The amendments made by this Schedule apply to acts and omissions that take place after this Schedule commences.
- (2) Although this Schedule repeals the *Crimes at Sea Act 1979*, that Act continues to apply, in relation to acts and omissions that took place before this Schedule commences, as if the repeal had not happened.
- (3) For the purposes of this item, if an act or omission is alleged to have taken place between two dates, one before and one on or after the day on which this Schedule commences, the act or omission is alleged to have taken place before this Schedule commences.

Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 (No. 137, 2000)

Schedule 2**418 Transitional—pre-commencement offences**

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
 - (a) an offence committed before the commencement of this item; or
 - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
 - (c) any matter connected with, or arising out of, such proceedings;
 as if the amendment or repeal had not been made.

Table A

- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

419 Transitional—pre-commencement notices

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
 - (b) any or all of those other provisions are repealed by this Schedule; and
 - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.

Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Act 2001 (No. 140, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 Saving—appointments

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

Table A

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.