



Offshore Minerals (Data Lodgment and Reporting) Regulations 1996

Statutory Rules 1996 No. 85 as amended

made under the

Offshore Minerals Act 1994

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1 Name of Regulations [see Note 1]

These Regulations are the *Offshore Minerals (Data Lodgment and Reporting) Regulations 1996*.

2 Purpose of these Regulations

The purpose of these Regulations is to ensure that data and samples gathered during, and reports prepared in respect of, offshore mineral exploration by a licence holder under the Act are available (subject to the confidentiality provisions of the Act) for use in geoscientific and environmental research (including any kind of commercial exploration), by providing a system for:

- (a) lodgment of the data and samples in a repository; and
- (b) preparation and lodgment of the reports.

Note 1 Each State and Territory maintains a repository for data and samples obtained in the course of exploration in its own coastal waters, and the offshore area beyond. The Commonwealth maintains a repository to hold both data and samples obtained in the course of exploration in the offshore areas for which it is responsible, and duplicate data and samples from all other offshore areas.

Note 2 In regard to confidentiality, see in particular sections 374 to 376 and 416 of the Act.

3 Interpretation

In these Regulations:

Act means the *Offshore Minerals Act 1994*.

environmental data means baseline data relating to the physical and biological environment in a licence area at the start of a report period.

exploration report means a report in accordance with regulation 4.

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

report period, in relation to a licence, means:

- (a) the period of 1 year beginning on:
 - (i) the day on which the licence is provisionally granted or renewed, as the case may be; or
 - (ii) subsequently — the latest anniversary of the day referred to in subparagraph (i); or
- (b) if the licence will cease to be in force before the end of 1 year after a day referred to in subparagraph (a) (i) or (ii) — the period beginning on that day and ending on the last day the licence is in force.

Note Unless the contrary intention appears, words and expressions used both in the Act and in these Regulations have the same meaning in these Regulations as in the Act: see paragraph 46 (1) (a) of the *Acts Interpretation Act 1901*.

3A Application of *Criminal Code*

Chapter 2 of the *Criminal Code* applies to offences against these Regulations.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

4 Report of exploration work

- (1) A licence holder must give 2 copies of a report of the exploration work carried out under the licence during a report period to the relevant Designated Authority:
 - (a) within 3 months after the end of the report period; or

- (b) if the Designated Authority allows the licence holder a further period of time to give the report — before the end of the further period.
- (2) The report must include:
- (a) details of the type and location of the exploration work undertaken by the licence holder during the period to which the report relates; and
 - (b) copies of the geological data, geophysical data and environmental data acquired in the course of exploration work undertaken during the report period; and
 - (c) in relation to the geophysical data, any additional information or documents required by regulation 5; and
 - (d) a chart of appropriate size and at a scale that allows the locations at which mineral samples and geoscientific profiles were taken during the exploration work to be clearly identified; and
 - (e) copies of any other related data recorded by the licence holder in connection with the exploration work; and
 - (f) a list describing:
 - (i) each location where a mineral sample was taken; and
 - (ii) each location where a geoscientific profile was taken; and
 - (iii) the depth of water at each place where exploration work was carried out; and
 - (g) copies of any maps, logs and records associated with, or necessary to interpret, the report; and
 - (h) details of the equipment used to carry out the exploration work; and
 - (i) a statement setting out the amount of money expended on each exploration activity under the licence during the report period.

5 Form of report and other information

- (1) An exploration report may be in any form agreed to by the relevant Designated Authority.

- (2) In an exploration report, a licence holder may provide geophysical data:
 - (a) in the form of a transparency or film; or
 - (b) on paper; or
 - (c) in digital form.
- (3) If a licence holder provides geophysical data in the form of a transparency or film, there must be included in the report a printed copy of the data of appropriate size and at a scale to enable the data to be easily read, located and interpreted.
- (4) If a licence holder provides geophysical data on paper, there must be included in the report a copy of an observer log relating to the data.
- (5) If a licence holder provides geophysical data in digital form, the licence holder must provide the data:
 - (a) on tape or floppy disk or another computer medium agreed to by the relevant Designated Authority; and
 - (b) in SEGY format or another format agreed to by the relevant Designated Authority.

6 Designated Authority may ask licence holder for information

- (1) If a licence holder does not:
 - (a) provide, in an exploration report, all of the information set out in subregulation 4 (2); or
 - (b) comply with an applicable requirement of regulation 5; the relevant Designated Authority may ask the licence holder, in writing, to provide the information or comply with the requirement within the period stated in the request.
- (2) The period must be at least 30 days.
- (3) The licence holder must provide the information or comply with the requirement:
 - (a) before the end of the period stated in the request; or
 - (b) if the Designated Authority allows the licence holder a further period of time to do so — before the end of the further period.

7 Designated Authority may extend period within which information is to be given

- (1) A licence holder may ask the relevant Designated Authority, in writing, to extend a period within which the licence holder must comply with a requirement of these Regulations whether or not the period has expired.
- (2) The Designated Authority may grant the request whether or not the period has expired.
- (3) An extension allowed by a Designated Authority must not end later than 3 months after the time at which the report or information or material was to have been provided had the time for providing it not been extended.

8 Licence holder to provide portions of samples

- (1) A relevant Designated Authority may request a licence holder in writing to give it 2 representative portions of a sample, and may specify in the request:
 - (a) the portions; and
 - (b) the place to which each portion is to be delivered.
- (2) The place specified under paragraph (1) (b) must be a place at which it is reasonable to expect the licence holder to deliver the portion.
- (3) A licence holder must comply with a request under subregulation (1).

9 Maintenance of samples

A licence holder must keep, in good condition, a sample obtained in the course of exploration work for a period of at least 1 year after the end of the report period during which the sample was taken, unless the relevant Designated Authority gives written permission for the sample to be disposed of.

10 Licence holder must not provide false information

- (1) A person is guilty of an offence if the person:
 - (a) is a licence holder; and

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- (b) gives an exploration report, or information under regulation 5, to a Designated Authority; and
 - (c) knows that the exploration report or information is significantly false or misleading;
- unless the person has a reasonable excuse.

Penalty: 10 penalty units.

Note A defendant bears an evidential burden in relation to whether or not he or she has a reasonable excuse (see section 13.3 of the *Criminal Code*).

- (2) For an offence against subregulation (1), strict liability applies to the physical element whether the information is information under regulation 5.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Table of Statutory Rules

Notes to the *Offshore Minerals (Data Lodgment and Reporting) Regulations 1996***Note 1**

The *Offshore Minerals (Data Lodgment and Reporting) Regulations 1996* (in force under the *Offshore Minerals Act 1994*) as shown in this compilation comprise Statutory Rules 1996 No. 85 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1996 No. 85	5 June 1996	5 June 1996	
2001 No. 286	5 Oct 2001	5 Oct 2001	—

Table of Amendments

Table of Amendments

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

Provision affected	How affected
R. 1	rs. 2001 No. 286
R. 3A	ad. 2001 No. 286
R. 10.....	rs. 2001 No. 286
