

Offshore Minerals (Ballot Procedures) Regulations 1994 No. 46

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 46

Issued by the Authority of the Minister for Resources

OFFSHORE MINERALS ACT 1994

OFFSHORE MINERALS (BALLOT PROCEDURES) REGULATIONS

Section 440 of the *Offshore Minerals Act 1994* (the Act) provides the Governor-General with the general power to make regulations prescribing all matters which are either required, permitted, necessary or convenient for the purposes of the Act.

Sections 58 and 203 of the Act provide that if two or more applications for an exploration or mining licence are lodged for the same area they must be dealt with in the order in which they were received. If, however the applications are lodged simultaneously, that is, within a prescribed time of each other, they must be dealt with in the order determined by a ballot.

Subsections 58(2) and 203(2) of the Act authorise the making of regulations to prescribe the time limit defining simultaneous lodgement and to prescribe the procedures for carrying out the ballot to determine the priority in which the applications are to be dealt with.

The purpose of the proposed Regulations is to prescribe the conditions under which the priority as to which of any multiple applications for substantially the same area will be considered first. The conditions prescribed include the time of lodgement, the manner of lodgement and the procedures under which the ballot will be conducted.

Details of the proposed Regulations are at Attachment A.

ATTACHMENT A.

DETAILS OF THE OFFSHORE MINERALS (BALLOT PROCEDURES) REGULATIONS

Regulations 1 provides a reference name for the Regulations.

Regulation 2 defines the terms used in the Regulations.

Regulation 3 prescribes the time of lodgement as 30 minutes within which multiple applications for exploration and mining licences have to be lodged in order to have their priority to be considered first determined by ballot.

Regulation 4 provides that the manner of lodgement may be by post, personal delivery or electronic message. It also prescribes the time of lodgement during office hours for each method of lodgement.

Regulation 5 sets out the conditions under which lots (ballots) are to be conducted and the procedures that are to be followed in the drawing of lots.