



Statutory Rules 1994 No. L<sup>1</sup>

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## Offshore Minerals (Ballot Procedures) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Offshore Minerals Act 1994*.

Dated L 1994.

4 March

L BILL HAYDEN  
Governor-General

By His Excellency's Command,

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Minister for Resources

D. BEDDALL

### Citation

1. These Regulations may be cited as the Offshore Minerals (Ballot Procedures) Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

## Interpretation

2. In these Regulations, unless the contrary intention appears:

“**Act**” means *Offshore Minerals Act 1993*;

“**applicant**” includes a person authorised in writing by an applicant to represent the applicant at a drawing of lots;

“**delegate**” means an officer, employee or agent of a Designated Authority who is authorised by the Designated Authority to conduct a drawing of lots;

“**office hours**”, in relation to a principal office, means the period in a day when the office is open for business to the public;

“**principal office**”, in relation to a Designated Authority, means the principal office of the Department administered by the Designated Authority.

## Multiple applications—exploration and mining licences: time of lodgment

3. For the purposes of paragraphs 58 (2) (b) and 203 (2) (b) of the Act, the time of 30 minutes is prescribed.

## Multiple applications—exploration and mining licences: manner of lodgment

4. (1) An application for an exploration licence or a mining licence is taken to have been lodged if it is lodged at the principal office:

- (a) by post; or
- (b) by personal delivery to an officer or employee of the Department concerned; or
- (c) by electronic message sent to a receiving facility at the office, being a message in a form that is compatible with, and capable of being recorded by, that facility.

(2) An application lodged by post or personal delivery is taken to have been lodged at the time of its delivery in office hours.

(3) An application to which paragraph (1) (c) refers that is lodged in office hours is taken to have been lodged when recording of the application by the recording facility has been completed.

- (4) An application to which paragraph (1) (c) refers that is:
  - (a) lodged outside office hours; and
  - (b) recorded by the recording facility;

is taken to have been lodged at the next commencement of office hours.

**Multiple applications—exploration and mining licences: drawing of lots**

5. (1) For the purposes of subsections 58 (2) and 203 (2) of the Act, lots are drawn in the prescribed way if:

- (a) not less than 7 days before the drawing of lots, the delegate gives notice in writing of the time and place of the draw to each applicant at the principal office of the applicant; and
- (b) subject to subregulation (2)—the draw is carried out in the presence of all applicants; and
- (c) the delegate writes the name of each applicant on a separate paper of the same kind as the paper on which the name of each other applicant is written; and
- (d) the papers and writing may be examined by each person present at the draw; and
- (e) the papers are folded in the same manner by the delegate and are placed by him or her in an otherwise empty receptacle the interior surface of which will not snag the papers; and
- (f) subject to subregulation (3)—a person draws the papers individually from the receptacle without looking into the receptacle; and
- (g) the delegate records on each paper the place of the paper in the order of drawing of papers from the receptacle; and
- (h) the delegate records on each application the number that corresponds to the place in the draw of the paper relating to the application.

(2) If an applicant who has been notified under paragraph (1) (a) does not attend the draw at the notified time and place, the draw may be conducted in his or her absence.

(3) The person mentioned in paragraph (1) (f):

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- (a) must not be:
  - (i) an applicant or the delegate; or
  - (ii) an officer, employee or agent of an applicant; and
- (b) must be a person declared in writing by each applicant and the delegate to be acceptable.

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**NOTE**

- 1. Notified in the *Commonwealth of Australia Gazette* on L      1994.  
11 March