

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(*Primary Industries and Energy*)

A BILL

FOR

**An Act to repeal the *Minerals (Submerged Lands) Act 1981*
and to make consequential amendments necessary as a
result of the transition to the *Offshore Minerals Act 1993*,
and for related purposes**

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 **1** This Act may be cited as the *Offshore Minerals (Consequential Provisions) Act 1993*.

Commencement

2. This Act commences immediately after the *Offshore Minerals Act 1993* commences.

PART 2—REPEAL OF THE 1981 ACT

Repeal of the 1981 Act

3. The *Minerals (Submerged Lands) Act 1981* is repealed.

PART 3—CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

Consequential amendments of other Acts

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4. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 4

CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

Minerals (Submerged Lands) (Exploration Permit Fees) Act 1981

Title:

- (a) Omit “permits”, substitute “exploration licences”.
- (b) Omit “*Minerals (Submerged Lands) Act 1981 to explore for minerals in submerged lands*”, substitute “*Offshore Minerals Act 1993*”.

Section 1:

Omit “*Minerals (Submerged Lands) (Exploration Permit Fees)*”, substitute “*Offshore Minerals (Exploration Licence Fees)*”.

Section 3:

Repeal the section, substitute:

Interpretation

“3.(1) In this Act:

‘year’, in relation to the term of an exploration licence, means:

- (a) the period of 12 months commencing on (and including) the day on which the provisional grant of the licence is properly accepted; or
- (b) a period of 12 months commencing on (and including) an anniversary of that day; or
- (c) a period of less than 12 months that:
 - (i) commences on (and includes):
 - (A) the day on which the provisional grant of the licence is properly accepted; or
 - (B) an anniversary of that day; and
 - (ii) ends at the end of the term of the licence.

“(2) Expressions used in this Act that are used in the *Offshore Minerals Act 1993* have, unless the contrary intention appears, the same meanings as they have in that Act.”.

Section 4:

Repeal the section, substitute:

Exploration licence fees

“4.(1) An exploration licence holder must pay a fee to the Designated Authority in respect of each year of the term of the licence.

SCHEDULE—continued

“(2) Subject to subsection (3), the amount of the fee is to be calculated in accordance with the regulations.

“(3) The amount of the fee for a licence for a year is not to exceed whichever is the greater of:

- (a) \$2,000; or
- (b) the amount obtained by multiplying \$100 by the number of blocks covered by the licence at the beginning of the year.

Holder liable to pay fee

“4A.(1) The licence holder is liable to pay the fee.

“(2) If the licence has 2 or more holders, the holders are jointly and severally liable to pay the fee.

Time for payment

“4B. The fee for a year becomes payable one month after the day on which the year begins.”.

Section 5:

- (a) Omit “a permittee” (first occurring), substitute “an exploration licence holder”.
- (b) Omit “permittee” (second occurring), substitute “holder”.

Subsection 6(1):

Omit “permittee”, substitute “licence holder”.

Subsection 6(2):

Omit “him”, substitute “the Designated Authority”.

After section 6:

Add:

Regulations

- “7. The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

Minerals (Submerged Lands) (Production Licence Fees) Act 1981

Title:

- (a) Before “licences” insert “mining”.

SCHEDULE—continued

- (b) Omit “*Minerals (Submerged Lands) Act 1981 to recover minerals from submerged lands*”, substitute “*Offshore Minerals Act 1993*”.

Section 1:

Omit “*Minerals (Submerged Lands) (Production Licence Fees)*”, substitute “*Offshore Minerals (Mining Licence Fees)*”.

Section 3:

Repeal the section, substitute:

Interpretation

“3.(1) In this Act:

‘year’, in relation to the term of a mining licence, means:

- (a) the period of 12 months commencing on (and including) the day on which the provisional grant of the licence is properly accepted; or
- (b) a period of 12 months commencing on (and including) an anniversary of that day; or
- (c) a period of less than 12 months that:
 - (i) commences on (and includes):
 - (A) the day on which the provisional grant of the licence is properly accepted; or
 - (B) an anniversary of that day; and
 - (ii) ends at the end of the term of the licence.

“(2) Expressions used in this Act that are used in the *Offshore Minerals Act 1993* have, unless the contrary intention appears, the same meanings as they have in that Act.”.

Section 4:

Repeal the section, substitute:

Licence fees

“4.(1) A mining licence holder must pay a fee to the Designated Authority in respect of each year of the term of the licence.

“(2) Subject to subsection (3), the amount of the fee is to be calculated in accordance with the regulations.

“(3) The amount of the fee for a licence for a year is not to exceed the amount obtained by multiplying \$1,000 by the number of blocks covered by the licence at the beginning of the year.

Holder liable to pay fee

“4A.(1) The licence holder is liable to pay the fee.

SCHEDULE—continued

“(2) If the licence has 2 or more holders, the holders are jointly and severally liable to pay the fee.

Time for payment

“4B. The fee for a year becomes payable one month after the day on which the year begins.”.

Section 5:

- (a) Omit “licensee” (first occurring), substitute “mining licence holder”.
- (b) Omit “licensee” (second occurring), substitute “holder”.

Subsection 6(1):

Omit “licensee”, substitute “licence holder”.

Subsection 6(2):

Omit “him”, substitute “the Designated Authority”.

After section 6:

Add:

Regulations

“7. The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

Minerals (Submerged Lands) (Registration Fees) Act 1981

Title:

Omit “in respect of the registration of certain instruments under the *Minerals (Submerged Lands) Act 1981*”, substitute “for the lodgment for registration of certain documents under the *Offshore Minerals Act 1993*”.

Section 1:

Omit “*Minerals (Submerged Lands) (Registration Fees)*”, substitute “*Offshore Minerals (Registration Fees)*”.

Section 3.

Omit “*Minerals (Submerged Lands) Act 1981*”, substitute “*Offshore Minerals Act 1993*”.

SCHEDULE—continued

Subsection 4(1):

Omit the subsection, substitute:

“(1) There is payable to the Designated Authority, in respect of a document that is lodged for registration under section 338 (a ‘**section 338 document**’) or 339 (a ‘**section 339 document**’) of the *Offshore Minerals Act 1993* a fee equal to the prescribed percentage of:

- (a) the value of the consideration for the document; or
- (b) the value of the licence, share or interest transferred or otherwise dealt with by the document;

whichever is the greater.

“(1A) The percentage prescribed for the purposes of subsection (1) is not to exceed 10%.”.

Subsection 4(2):

- (a) Omit “any memorandum”, substitute “a section 338 or section 339 document”.
- (b) Omit “\$300” (first occurring), substitute “the amount prescribed for the purposes of this subsection”.
- (c) Omit “that memorandum”, substitute “the document”.
- (d) Omit “\$300” (second occurring), substitute “that prescribed amount”.

After subsection 4(2):

Insert:

“(2A) The amount prescribed for the purposes of subsection (2) is not to exceed \$2,000.”.

Subsection 4(3):

- (a) Omit “a memorandum of approval of an instrument by which an interest in a permit was created, assigned, affected or dealt with”, substitute “a section 338 document or a section 339 document that is lodged for registration”.
- (b) Omit “the instrument”, substitute “the document”.

Paragraph 4(4)(a):

Omit “an instrument by which an interest in a permit, licence or works authority was created, assigned, affected or dealt with”, substitute “a section 338 document or a section 339 document”.

SCHEDULE—continued

Paragraph 4(4)(b):

- (a) Omit “instrument is the holder of” (first occurring), substitute “transfer or other dealing to which the section 338 document or section 339 document relates holds”.
- (b) Omit “instrument” (second occurring), substitute “document”.

Subsection 4(4):

- (a) Omit “in respect of the memorandum of approval of that instrument” (twice occurring), substitute “for the lodgment for registration of that document”.
- (b) Omit “\$3,000”, substitute “the amount prescribed for the purposes of this subsection”.

After subsection 4(4):

Insert:

“(4A) The amount prescribed for the purposes of subsection (4) is not to exceed \$20,000.”.

Paragraph 4(5)(a):

Omit “an instrument by which an interest in a permit, licence or works authority was created, assigned, affected or dealt with”, substitute “a transfer to which a section 338 document relates, or a dealing to which a section 339 document relates”.

Paragraph 4(5)(b):

Omit “instrument”, substitute “document”.

Subsection 4(5):

- (a) Omit “in respect of the memorandum of approval of that instrument” (twice occurring), substitute “for the lodgment for registration of that document”.
- (b) Omit “\$3,000”, substitute “the amount prescribed for the purposes of this subsection”.

After subsection 4(5):

Insert:

“(5A) The amount prescribed for the purposes of subsection (5) is not to exceed \$20,000.”.

SCHEDULE—continued

Subsection 4(6):

Omit “in respect of a memorandum of approval of an instrument (being an instrument entered into or to be entered into for the purpose of giving effect to the prior agreement)”, substitute “for the lodgment for registration of a section 338 document or a section 339 document that was entered into or is to be entered into to give effect to the prior agreement”.

Subsection 4(7):

Omit “an instrument”, substitute “a document”.

After section 4:

Add:

Regulations

- “5. The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

Minerals (Submerged Lands) (Works Authority Fees) Act 1981

Title:

Omit “authorities under the *Minerals (Submerged Lands) Act 1981*”, substitute “licences under the *Offshore Minerals Act 1993*”.

Section 1:

Omit “*Minerals (Submerged Lands) (Works Authority Fees)*”, substitute “*Offshore Minerals (Works Licence Fees)*”.

Section 3:

Repeal the section, substitute:

Interpretation

“3.(1) In this Act:

‘year’, in relation to the term of a works licence, means:

- (a) the period of 12 months commencing on (and including) the day on which the provisional grant of the licence is properly accepted; or
- (b) a period of 12 months commencing on (and including) an anniversary of that day; or
- (c) a period of less than 12 months that:
 - (i) commences on (and includes):

SCHEDULE—continued

- (A) the day on which the provisional grant of the licence is properly accepted; or
 - (B) an anniversary of that day; and
- (ii) ends at the end of the term of the licence.

“(2) Expressions used in this Act that are used in the *Offshore Minerals Act 1993* have, unless the contrary intention appears, the same meaning as they have in that Act.”.

Section 4:

Repeal the section, substitute:

Works licence fees

“4.(1) A works licence holder must pay to the Designated Authority, in respect of each year of the term of the licence, a fee calculated at the rate prescribed by the regulations for each hectare or part of a hectare of the works area.

“(2) The works area for a works licence is the area specified in the licence under paragraph 278(1)(c) of the *Offshore Minerals Act 1993*.

“(3) Subject to subsection (4), the amount of the fee is to be calculated at the prescribed rate for each hectare or part of a hectare of the licence area.

“(4) The prescribed rate is not to exceed \$100 per hectare or part of a hectare.

Holder liable to pay fee

“4A.(1) The licence holder is liable to pay the fee.

“(2) If the licence has 2 or more holders, the holders are jointly and severally liable to pay the fee.

Time for payment

“4B. The fee for a year becomes payable one month after the day on which the year begins.”.

Section 5:

- (a) Omit “registered” (twice occurring).
- (b) Omit “authority”, substitute “licence”.

Subsection 6(1):

- (a) Omit “registered”.
- (b) Omit “authority”, substitute “licence”.

SCHEDULE—continued

Subsection 6(2):

Omit “him”, substitute “the Designated Authority”.

After section 6:

Add:

Regulations

- “7. The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.