Western Australia

Offshore Minerals Act 2003

# Offshore Minerals Regulations 2010

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## Defined terms

# Offshore Minerals Regulations 2010

## Part 1 — Preliminary

### 1. Citation

These regulations are the *Offshore Minerals Regulations 2010*.

### 2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day on which the provisions of the Act, other than sections 1 and 2, come into operation.

### 3. Term used: section

In these regulations —

***section*** means a section of the Act.

# Part 2 — Prescribed Australian datum

## 4. Geocentric Datum of Australia 1994 previously prescribed (Act s. 10)

(1) In this regulation —

***AFN coordinates*** means the coordinates of the Australian Fiducial Network geodetic stations specified in Schedule 1;

***GDA*** means the Geocentric Datum of Australia 1994;

***GRS80 ellipsoid*** means the Geodetic Reference System 1980 ellipsoid.

(2) The GDA is prescribed for the purposes referred to in section 10(1).

(3) The reference ellipsoid for the GDA is the GRS80 ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (1/f) of 298.257 222 101.

(4) The reference frame for the GDA is realised by the AFN coordinates referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0.

(5) This regulation does not have effect on or after the day on which the *Mines and Petroleum Regulations Amendment (Geocentric Datum) Regulations 2025* regulations 11(2) and 12 come into operation.

*[Regulation 4 amended: SL 2025/172 r. 11.]*

## 4A. Geocentric Datum of Australia 2020 currently prescribed (Act s. 10)

(1) In this regulation —

***Geocentric Datum of Australia 2020*** means the Reference Frame as defined in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2026* (Cth) clause 5.

(2) The Geocentric Datum of Australia 2020 is prescribed for the purposes referred to in section 10(1).

*[Regulation 4A inserted: SL 2025/172 r. 12; amended: SL 2026/231 r. 6.]*

# Part 3 — Ballot procedures

## 5. Multiple applications: time of lodgment

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

## 6. Multiple applications: drawing of lots

(1) In this regulation —

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

(2) For the purposes of sections 58(2) and 203(2), the prescribed way of drawing lots is as follows —

(a) not less than 7 days before the drawing of lots, the Minister must give notice in writing of the time and place of the draw to each applicant;

(b) subject to subregulation (3), the draw must be carried out in the presence of all applicants;

(c) the Minister must write 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;

(d) the papers and writing may be examined by each person present at the draw;

(e) the papers must be folded in the same manner by the Minister and placed by him or her in an otherwise empty receptacle, the interior surface of which will not snag the papers;

(f) a person who qualifies under subregulation (4) must draw the papers individually from the receptacle without looking into the receptacle;

(g) the Minister must record on each paper the place of the paper in the order of drawing papers from the receptacle;

(h) the Minister must record on each application the number that corresponds to the place in the draw of the paper relating to the application.

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

(4) For the purposes of subregulation (2)(f), a person qualifies if the person —

(a) is not the Minister, an applicant or an officer, employee or agent of an applicant; and

(b) is declared in writing by each applicant present at the draw and the Minister to be acceptable.

# Part 4 — Records and samples

## 7. Terms used

In this Part —

***environmental data*** means baseline data relating to the physical and biological environment in the licence area at the start of each year during which the licence is in force;

***geological data*** includes —

(a) geological maps, geological reports, profiles and drill logs prepared in connection with geological exploration; and

(b) results of geotechnical, geochemical, geophysical, mineralogical, petrological and palaeontological investigation undertaken on samples;

***geophysical data*** includes —

(a) bathymetric, gravitational, magnetic, navigational and seismic measurements; and

(b) data collected by means of side scan sonar, side scan radar or a sub-bottom profiler;

***year*** has the meaning given in section 424.

## 8. Records

A licence holder must keep records of the following —

(a) environmental data;

(b) geological data;

(c) geophysical data;

(d) the location and type of samples taken;

(e) the amount of money spent by the licence holder in carrying out work or activities under the licence in each year during which the licence is in force.

## 9. Drill cores

(1) A licence holder must keep, in good condition, a drill core obtained in the course of carrying out work or activities under the licence unless the Minister has given permission for its disposal.

(2) A licence holder may apply to the Minister for permission to dispose of a drill core.

(3) An application under subregulation (2) must be made in the form approved by the Minister.

(4) If the Minister decides to give permission, it must be given in writing.

## 10. Testing and analysis of samples

The Minister or an inspector may test or analyse a sample given to the Minister or inspector under section 371.

# Part 5 — Restoration of environment

## 11. Terms used

In this Part —

***licence holder*** includes a former licence holder;

***responsible licence holder***, in relation to unused mining property, means the licence holder required by regulation 12(1) to remove the unused mining property;

***unused mining property*** means property (including a structure or equipment) that —

(a) has been brought into coastal waters for use in offshore exploration or mining activities; and

(b) is not being used and is not intended to be used in exploration or mining activities in accordance with a licence.

## 12. Removal of unused mining property

(1) A licence holder must remove all unused mining property brought by the licence holder into coastal waters within —

(a) 3 months after the expiry, cancellation, transfer or surrender of the licence; or

(b) such other period as the Minister determines by written notice given to the licence holder.

Penalty: a fine of $1 000.

Daily penalty: a fine of $100.

(2) The Minister may, by further written notice given to the licence holder, extend a period determined under subregulation (1)(b).

## 13. Disposal of unused mining property

(1) If unused mining property is not removed in accordance with regulation 12, the Minister may cause the property to be

removed and may direct that the property be sold by public auction.

(2) Any unused mining property unsold after the public auction may be sold by private treaty.

(3) Any costs and expenses incurred by the Minister or a person acting under the direction of the Minister in removing or disposing of unused mining property under this regulation —

(a) are recoverable from the responsible licence holder in a court of competent jurisdiction as a debt due to the State; and

(b) may be deducted from the proceeds of a sale under subregulation (1) or (2).

(4) Any remaining proceeds of sale must be paid to the Treasurer who must, on receipt of an application by the responsible licence holder, pay those proceeds to the responsible licence holder.

(5) If an application under subregulation (4) is not made within 2 years after the date of the sale, the remaining proceeds of sale must be paid into the Consolidated Account.

### 14. Direction to rehabilitate mining area

(1) The Minister may, by written notice given to a licence holder, direct the licence holder to take specified steps, within the period specified in the notice, to rehabilitate an area in coastal waters that has been damaged or affected by offshore exploration or mining activities carried on by the licence holder.

(2) The Minister, may by further written notice given to the licence holder, extend the period referred to in subregulation (1).

(3) If a licence holder fails to comply with a direction given to the licence holder under subregulation (1), the Minister may cause to be taken any of the steps specified in the notice in which the direction was given.

(4) Any costs and expenses incurred by the Minister or a person acting under the direction of the Minister in taking action under subregulation (3) are to be deducted from any security lodged by the licence holder under the Act.

# Part 6 — Miscellaneous

## 15. Maps

Each map required by section 54(1)(e), 138(1)(e) or 199(1)(e) to accompany a licence application must —

(a) be to the scale of 1:1 000 000; and

(b) show the relevant blocks by distinctive colour tinting or edging.

## 16. Notice of caveat

(1) If a caveat is registered under section 345 in respect of a licence, the Minister must give the licence holder written notice of its registration.

(2) The notice must set out —

(a) the full name and address of the caveat holder; and

(b) details of the interest claimed by the caveat holder.

## 17. Copies of documents

The Minister or an inspector may take a copy of a document produced to the Minister or inspector under section 370.

## 18. Discharge of security

(1) The Minister may discharge, in whole or in part, a security lodged under the Act —

(a) on an application made by the person who lodged the security; or

(b) on the Minister's own initiative.

(2) An application under subregulation (1)(a) must —

(a) be made in the form approved by the Minister; and

(b) specify the reasons why the applicant considers that the security should be discharged.

(3) If the Minister discharges a security under subregulation (1), the Minister must give written notice of the discharge to the person who lodged the security.

### 19. Licence fees (s. 425(2))

(1) The amount of the fee for an exploration licence for a year is —

(a) the amount obtained by multiplying $100 by the number of blocks covered by the licence at the beginning of the year; or

(b) if that amount is less than $2 000 — $2 000.

(2) The amount of the fee for a retention licence for a year is the amount obtained by multiplying $1 000 by the number of blocks covered by the licence at the beginning of the year.

(3) The amount of the fee for a mining licence for a year is amount obtained by multiplying $1 000 by the number of blocks covered by the licence at the beginning of the year.

(4) The amount of the fee for a works licence for a year is —

(a) the amount obtained by multiplying $20 by the number of hectares comprising the area specified in the licence under section 278(1)(c); or

(b) if that amount is less than $100 — $100.

(5) For the purposes of subregulation (4)(a), if the number of hectares is not a whole number, the number is to be rounded up to the next whole number.

### 20. Other fees

The fees specified in Schedule 2 are the fees prescribed in respect of the matters specified in that Schedule.

# Schedule 1 — Australian Fiducial Network geodetic stations

[r. 4(1)]

| No. | Name | South Latitude | East Longitude | Ellipsoidal Height |
|---|---|---|---|---|
| AU 012 | Alice Springs | 23° 40′ 12.44592″ | 133° 53′ 07.84757″ | 603.358 m |
| AU 013 | Karratha | 20° 58′ 53.17004″ | 117° 05′ 49.87255″ | 109.246 m |
| AU 014 | Darwin | 12° 50′ 37.35839″ | 131° 07′ 57.84838″ | 125.197 m |
| AU 015 | Townsville | 19° 20′ 50.42839″ | 146° 46′ 30.79057″ | 587.077 m |
| AU 016 | Hobart | 42° 48′ 16.98506″ | 147° 26′ 19.43548″ | 41.126 m |
| AU 017 | Tidbinbilla | 35° 23′ 57.15627″ | 148° 58′ 47.98425″ | 665.440 m |
| AU 019 | Ceduna | 31° 52′ 00.01664″ | 133° 48′ 35.37527″ | 144.802 m |
| AU 029 | Yaragadee | 29° 02′ 47.61687″ | 115° 20′ 49.10049″ | 241.291 m |

# Schedule 2 — Fees

[r. 20]

*[Heading inserted: SL 2025/90 r. 19.]*

| Item | Description | Fee ($) |
|---|---|---|
| 1. | Exploration licence —<br>(a) standard block licence application (s. 56(1))<br>(b) tender block licence application (s. 78(1))<br>(c) renewal application (s. 106(1)) | <br>3 000.00<br>3 000.00<br>600.00 |
| 2. | Retention licence —<br>(a) licence application (s. 139(1))<br>(b) renewal application (s. 163(1)) | <br>3 000.00<br>600.00 |
| 3. | Mining licence —<br>(a) standard block licence application (s. 201(1))<br>(b) tender block licence application (s. 222(1))<br>(c) renewal application (s. 240(1)) | <br>3 000.00<br>3 000.00<br>600.00 |
| 4. | Works licence —<br>(a) licence application (s. 272(1))<br>(b) renewal application (s. 292(1)) | <br>3 000.00<br>600.00 |
| 5. | Special purpose consent application (s. 319(1)) | 300.00 |
| 6. | Inspection of register and documents (s. 332(1)) | 27.00 |
| 7. | Registration of transfer (s. 338(1)(f)) | 84.00 |
| 8. | Registration of other dealing (s. 339(1)(d)) | 190.00 |
| 9. | Devolution of licence (s. 340(1)(d)) | 199.00 |
| 10. | Caveat (s. 344) | 199.00 |

| Item | Description | Fee ($) |
|---|---|---|
| 11. | Certified copy of or extract from register (s. 357(4)) (per page) | 6.50 |
| 12. | Certified copy of document (s. 358(1)) (per page) | 7.50 |
| 13. | Certificate (s. 359(1)) | 67.00 |
| 14. | Approval of transfer application (s. 363(6)) | 190.00 |

*[Schedule 2 inserted: SL 2025/90 r. 19; amended: SL 2026/124 r. 8.]*

# Notes

This is a compilation of the *Offshore Minerals Regulations 2010* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

## Compilation table

| Citation | Published | Commencement |
|---|---|---|
| *Offshore Minerals Regulations 2010* | 17 Dec 2010 p. 6379-96 | r. 1 and 2: 17 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b) and *Gazette* 17 Dec 2010 p. 6350) |
| *Offshore Minerals Amendment Regulations 2012* | 22 Jun 2012 p. 2795-6 | r. 1 and 2: 22 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| *Offshore Minerals Amendment Regulations 2013* | 26 Jul 2013 p. 3355-6 | r. 1 and 2: 26 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2013 (see r. 2(b)) |
| *Offshore Minerals Amendment Regulations 2014* | 20 Jun 2014 p. 2039 | r. 1 and 2: 20 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| *Offshore Minerals Amendment Regulations 2015* | 26 Jun 2015 p. 2256-7 | r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| *Mining and Offshore Minerals Regulations Amendment (Fees and Rents) Regulations 2016* Pt. 3 | 24 Jun 2016 p. 2335-8 | 1 Jul 2016 (see r. 2(b)) |
| **Reprint 1: The *Offshore Minerals Regulations 2010* as at 10 Feb 2017** (includes amendments listed above) | | |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017* Pt. 9 | 23 Jun 2017 p. 3279-309 | 1 Jul 2017 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018* Pt. 9 | 25 Jun 2018 p. 2297-324 | 1 Jul 2018 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019* Pt. 8 | 18 Jun 2019 p. 2040-56 | 1 Jul 2019 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020* Pt. 5 | SL 2020/93 26 Jun 2020 | 1 Jul 2020 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021* Pt. 9 | SL 2021/85 21 Jun 2021 | 1 Jul 2021 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2022* Pt. 8 | SL 2022/58 20 May 2022 | 1 Jul 2022 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2023* Pt. 8 | SL 2023/36 5 May 2023 | 1 Jul 2023 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2024* Pt. 8 | SL 2024/97 12 Jun 2024 | 1 Jul 2024 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2025* Pt. 9 | SL 2025/90 11 Jun 2025 | 1 Jul 2025 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Geocentric Datum) Regulations 2025* Pt. 3 | SL 2025/172 2 Oct 2025 | 3 Oct 2025 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2026* Pt. 3 | SL 2026/124 24 Jun 2026 | 1 Jul 2026 (see r. 2(b)) |
| *Mines and Petroleum Legislation Amendment (Geocentric Datum) Regulations 2026* Pt. 3 | SL 2026/231 11 Nov 2026 | 12 Nov 2026 (see r. 2(b)) |

# Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|---|---|
| AFN coordinates | 4(1) |
| applicant | 6(1) |
| environmental data | 7 |
| GDA | 4(1) |
| Geocentric Datum of Australia 2020 | 4A(1) |
| geological data | 7 |
| geophysical data | 7 |
| GRS80 ellipsoid | 4(1) |
| licence holder | 11 |
| responsible licence holder | 11 |
| section | 3 |
| unused mining property | 11 |
| year | 7 |

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