

**OFFSHORE MINERALS
(CONSEQUENTIAL AMENDMENTS)
BILL 2001**

COMMITTEE

CLAUSE BY CLAUSE NOTES

GENERAL OUTLINE

This Schedule amends the various Acts affected by the Offshore Minerals Bill, to ensure their respective provisions are not inconsistent.

Part 1 - Preliminary

Clause 1 - Short title

The Act will be known as the Offshore Minerals (Consequential Amendments) Act 2001.

Clause 2 - Commencement

The Act will operate from the same day as the Offshore Minerals Act 2001 commences.

Part 2 – Amendments to Mining Act 1978

Clause 3 – The Act amended by this Part

Refers to the Act which this Part amends.

Clause 4 - Section 8 amended

The present definition of “Crown land” refers to “*all land in the State*”. As the Mining Act previously applied to coastal waters, which was included as being land in the State, **subclause (1)** removes reference to this.

Subclause (2) amends the definition of “land” in the Mining Act by including reference to the jurisdiction of this Bill, ie. the Mining Act only applies to the seabed and subsoil up to the baseline (referred to as the “*offshore area*” in subsection (2) of new Section 9A).

Clause 5 - Section 9 amended

Same purpose as Clause 1 - the section will now refer to “*land*” rather than “*land within the State*”.

Clause 6 - Section 9A inserted (Effect of change of baseline)

This clause adds new Section 9A to the Mining Act which provides that if the baseline moves towards the land and a title currently within the jurisdiction of the Mining Act then encroaches into coastal waters, the Mining Act continues to apply to that title.

The provisions of the Mining Act will also apply to any title issued in substitution of a title affected by a change in the baseline, referred to in Subclauses (3) to (5) as “*successor tenements*”.

Clause 7 - Section 16 amended

Section 16(1) enables the Governor to create or alter a mineral field over any part of the State. This clause adds the offshore area (i.e. up to the baseline) as being capable of being subject to a mineral field.

Clause 8 - Section 25 amended

At present Section 25(1)(b) includes the sea bed under coastal waters as being subject to the Mining Act, however with the enactment of the offshore Minerals Bill this needs to be restricted to the baseline. This clause has that effect.

Clause 9 - Section 56C amended

Subsection (2) refers to areas “within the State”. This clause inserts subsection (5) into Section 56C to specify that “State” in subsection(2) includes the area up to the baseline.

Clause 10 - Section 132 amended

Subsection 132(2) specifies that every warden’s court has jurisdiction throughout “the State”. Like Clause 7 this clause amends the provision to include jurisdiction up to the baseline.

Part 3 – Amendments to Conservation and Land Management Act 1984

Clause 11 - The Act amended by this Part

Refers to the Act which this Part amends.

Clause 12 - Section 3 amended

The Minister for Mines is defined in the Act as the person responsible for the operation of mining and petroleum legislation in this State. This clause adds the Offshore Minerals Act to this list.

Clause 13 - Section 4 amended

Section 4(1) of the Act provides that the Act does not override the operation of mining or petroleum legislation. This clause adds the Offshore Minerals Act.

Clause 14 - Section 13C amended

Under section 13C of the Act commercial activities may be conducted in Marine Management Areas, and “commercial purposes” is defined to include activities under the Mining Act. **Subclause (1)** adds the operation of this Bill as being a commercial purpose.

Section 13C(7) provides that activities under petroleum Acts may be carried out in Marine Management Areas. **Subclause (2)** adds the operation of the Offshore Minerals Act to the provision.

Clause 15 - Section 60 amended

Section 60(2b) provides that any submissions made by the Minister for Mines in respect to marine management plans must be taken into account by the Minister for the Environment. This clause adds the Offshore Minerals Act to the Acts administered by the Minister for Mines.

Part 4 –Amendments to - Fish Resources Management Act 1994

Clause 16 - Section 114 amended

Section 114 provides that the Act does not override the operation of mining or petroleum legislation. This clause adds the Offshore Minerals Act.