

Western Australia

**Offshore Minerals (Consequential Amendments)
Act 2003**

As at 17 Apr 2003

No. 12 of 2003

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**Offshore Minerals (Consequential Amendments)
Act 2003**

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Offshore Minerals (Consequential Amendments) Act 2003

No. 12 of 2003

An Act to make amendments to the —

- *Mining Act 1978;*
- *Conservation and Land Management Act 1984; and*
- *Fish Resources Management Act 1994,*
consequential to the *Offshore Minerals Act 2003.*

[Assented to 17 April 2003]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Offshore Minerals (Consequential Amendments) Act 2003*.

2. Commencement

This Act comes into operation on the day on which the *Offshore Minerals Act 2003* comes into operation.

Part 2 — Amendments to *Mining Act 1978*

3. The Act amended by this Part

The amendments in this Part are to the *Mining Act 1978**.

[* *Reprinted as at 26 July 1999.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 295 and Act No. 63 of 2000.]

4. Section 8 amended

- (1) Section 8(1) is amended, in the definition of “Crown land”, by deleting “in the State,”.
- (2) Section 8(1) is amended, in the definition of “land”, by deleting “includes the foreshore and the sea bed within the meaning of section 25” and inserting instead —

“

includes —

- (a) the foreshore as defined in section 25(1)(a); and
- (b) the sea bed and subsoil between the mean low water springs level and the inner limits of the coastal waters of the State as defined in section 16(1) and (2) of the *Offshore Minerals Act 2003*

”.

5. Section 9 amended

Section 9(1) is amended by deleting “in the State” in both places where it appears.

6. Section 9A inserted

After section 9 the following section is inserted in Part I—

“

9A. Effect of change of baseline

(1) If —

- (a) an offshore area is covered by a mining tenement;
- (b) there is a change to the inner limit of the coastal waters of the State as defined in section 16(1) and (2) of the *Offshore Minerals Act 2003*; and
- (c) as a result of the change the offshore area comes within those coastal waters,

this Act applies, while the tenement or any successor tenement remains in force, as if the area were still within the offshore area.

(2) In subsection (1) —

“offshore area” means an area that comes within paragraph (b) of the definition of “land” in section 8(1).

(3) If —

- (a) a mining lease takes effect immediately after an exploration licence expires; and
- (b) the holder of the mining lease immediately after it takes effect was the holder of the exploration licence immediately before it expired,

the mining lease is a successor tenement to the exploration licence for the purposes of subsection (1).

- (4) If —
- (a) a retention licence takes effect immediately after an exploration licence expires; and
 - (b) the holder of the retention licence immediately after it takes effect was the holder of the exploration licence immediately before it expired,

the retention licence is a successor tenement to the exploration licence for the purposes of subsection (1).

- (5) If —
- (a) a mining lease takes effect immediately after a retention licence expires; and
 - (b) the retention licence took effect immediately after an exploration licence expired; and
 - (c) the holder of the mining lease immediately after it takes effect was the holder of the retention licence immediately before it expired; and
 - (d) the holder of the retention licence immediately after it took effect was the holder of the exploration licence immediately before it expired,

the mining lease is a successor tenement to the exploration licence and the retention licence for the purposes of subsection (1).

”.

s. 7

7. Section 16 amended

Section 16(1)(a) is amended by inserting after “State” —

“

, including any area that comes within paragraph (b) of the definition of “land” in section 8(1),

”.

8. Section 25 amended

Section 25(1)(b) is amended by deleting “seaward limits of the territorial waters of the State” and inserting instead —

“

inner limits of the coastal waters of the State as defined in section 16(1) and (2) of the *Offshore Minerals Act 2003*

”.

9. Section 56C amended

After section 56C(4) the following subsection is inserted —

“

(5) In subsection (2) —

“**State**” includes any area that comes within paragraph (b) of the definition of “land” in section 8(1).

”.

10. Section 132 amended

Section 132(2) is amended by inserting after “the State” —

“

, including any area that comes within paragraph (b) of the definition of “land” in section 8(1),

”.

Part 3 — Amendments to *Conservation and Land Management Act 1984*

11. The Act amended by this Part

The amendments in this Part are to the *Conservation and Land Management Act 1984**.

[* Reprinted as at 26 March 1999.

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 75.]

12. Section 3 amended

Section 3 is amended, in the definition of “Minister for Mines”, by inserting after “*Mining Act 1978*,” —

“ the *Offshore Minerals Act 2003*, ”.

13. Section 4 amended

Section 4(1) is amended by inserting after “*Mining Act 1978*,” —

“ the *Offshore Minerals Act 2003*, ”.

14. Section 13C amended

- (1) Section 13C(2) is amended, in the definition of “commercial purposes”, by inserting after paragraph (b) the following paragraph —

“

- (ba) exploration for and recovery of minerals under the *Offshore Minerals Act 2003*;

”.

s. 15

(2) Section 13C(7) is amended as follows:

(a) after paragraph (a) by deleting “and” and inserting —

“

(aa) exploration for and recovery of minerals under the *Offshore Minerals Act 2003*; and

”;

(b) in paragraph (b) by deleting “those Acts” and inserting instead —

“ the Acts mentioned in paragraphs (a) and (aa) ”.

15. Section 60 amended

Section 60(2b) is amended by inserting after “*Mining Act 1978*,” —

“ the *Offshore Minerals Act 2003*, ”.

Part 4 — Amendment to *Fish Resources Management Act 1994*

16. Section 114 amended

Section 114 of the *Fish Resources Management Act 1994** is amended by inserting after “*Mining Act 1978*,” —

“ the *Offshore Minerals Act 2003*, ”.

[* *Reprinted as at 28 April 2000.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 167 and Act No. 54 of 2000.]
