



Fact sheet



Offshore Minerals Act 1994

If your project involves the exploration or mining of minerals in waters of an Australian offshore area, you must obtain authorisation in accordance with this Act.

1. What approvals do I need?

Mineral exploration and mining activities in Australia's offshore areas must be authorised under an appropriate licence or consent in accordance with the [Offshore Minerals Act 1994](#) (the Act). Offshore areas generally start three nautical miles from the Australian coastline, extending to the boundary of Australia's continental shelf.

Under the Act, a mineral is defined as a naturally occurring substance or mixture of substances that may be in the form of sand, gravel, clay, limestone, rock, evaporites, shale, oil-shale or coal. Petroleum is not included in this definition.

Different authorisations are required for different activities and project phases.

Authorisation types are as follows:

- **Exploration licences** cover the exploration phase of a project. These licences authorise mineral exploration and the taking of mineral samples.
- **Retention licences** ensure rights are retained while a project transitions from the exploration phase to the commercial mining phase. These licences authorise exploration and recovery – but not as part of a commercial mining operation.
- **Mining licences** cover the commercial mining phase of a project. These licences authorise exploration and full commercial recovery.
- **Works licences** allow activities related to exploration, retention or mining licences, such as

engineering works, to be carried out where the activities are necessary or desirable for the licence holder to effectively exercise the licence rights or perform the licence obligations. A works licence can be granted over areas that are outside the licence area of the exploration, retention or mining licence involved.

- **Special purpose consents** authorise scientific investigations, reconnaissance surveys, and the collection of only small amounts of minerals.

2. Who provides the approvals?

The Department of Industry, Science and Resources (DISR) shares administration of the Act with the equivalent regulatory agency in each State or the Northern Territory (NT). Decisions are made by a Joint Authority typically comprising the Australian Government Minister for Resources and the equivalent State or NT Minister.

The Designated Authority is the relevant State or NT Minister. The Designated Authority is responsible for the day-to-day administration, including processing applications and communicating decisions of the Joint Authority. Applicants and licence holders only deal directly with the relevant Designated Authority.

For activities occurring in State or NT coastal waters, waters which are generally less than three nautical miles from the Australian coastline, State or NT offshore mining legislation applies and additional approvals are required.

This fact sheet provides general information and does not constitute legal advice. You should seek independent legal advice tailored to your individual circumstances. The Major Projects Facilitation Agency (MPFA) assists major project proponents to navigate Australian Government approval processes. The MPFA does not grant approvals, nor administer the legislation listed in this fact sheet.

3. How do I apply for the approvals?

Applications should be lodged with the relevant State or NT agency responsible for the regulation of resources.

Application requirements may vary depending on the offshore area location and the type of authorisation required. Please follow the processes outlined within the [application guidelines](#)^[PDF] available from DISR.

4. More information

Department of Industry, Science and Resources

Further information on the regulation of offshore mineral exploration and mining is available on the DISR [website](#).

DISR's Offshore Minerals Team can be contacted by email at offshore.minerals@industry.gov.au.

Major Projects Facilitation Agency

If you would like assistance to identify potential Australian Government regulatory approvals required for your project, please refer to the [Major projects help tool](#) self-assessment.

The MPFA team can be contacted by email at MPFA@industry.gov.au.