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PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

CUSTOMS TARIFF (INSTALLATIONS AT SEA) BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by the Authority of
the Minister for Industry, Technology and Commerce,
Senator the Honourable John N. Button)

CUSTOMS TARIFF (INSTALLATIONS AT SEA) BILL 1987

OUTLINE

The purpose of this Bill is to continue the application of current Sections 5 to 9 (inclusive) of the Customs Tariff Act 1982. These sections are not included in the Bill which will replace the Customs Tariff Act 1982 as they are not considered appropriate to the concept of the new legislation. Accordingly, it has been decided to create a separate Bill. There is, however, no change in the scope of the legislation.

Financial Impact

The Bill has no financial impact.

CUSTOMS TARIFF (INSTALLATIONS AT SEA) BILL 1987

DETAILED DESCRIPTION OF THE BILL

A Bill for an Act relating to the operation of Customs Acts in relation to certain installations at sea.

Short Title

Clause 1 Citation - Customs Tariff (Installations at Sea) Act 1987.

Commencement

Clause 2 Provides for the Act to come into force on the day on which the Customs Tariff Act 1987 comes into force. That Act will come into force on a day to be fixed by proclamation. Introduction is scheduled for 1 January 1988 however this is dependant on the International Convention on the Harmonized Commodity Description and Coding System coming into force on that day.

Incorporation of Customs Act

Clause 3 The Customs Act 1901 is incorporated and shall be read as one with this Bill.

Interpretation

Clause 4 This clause defines the expressions "natural resources installation" and "overseas natural resources installation".

Certain natural resources installations to be part of Australia

Clause 5 This clause is similar to Section 5 of the Customs Tariff Act 1982.

Subclause 5(1) provides that where an overseas natural resources installation becomes attached to the Australian seabed, it shall, subject to subclause 5(4), be deemed to be part of Australia.

Subclauses 5(2) and 5(3) provide that a natural resources installation that is attached to the Australian seabed on the commencement of this Bill, or that becomes attached to the Australian seabed, shall be deemed to be part of Australia.

Subclause 5(4) provides that a natural resources installation that is deemed to be part of Australia shall cease to be part of Australia if-

- (a) the installation is detached from the Australian seabed for the purpose of being taken outside the outer limits of Australian waters; or
- (b) the installation is detached from the Australian seabed for some other purpose but is subsequently moved for the purpose of being taken outside the outer limits of Australian waters.

Natural resources installations and goods deemed to be imported

Clause 6 This clause is similar to Section 6 of the Customs Tariff Act 1982. It provides that an overseas natural resources installation and any goods on it, are deemed to have been imported when the installation becomes attached to the Australian seabed. Subclause (2) provides that where an overseas natural resources installation is brought to a place in Australia and is to be taken from that place into Australian waters for the purpose of becoming attached to the Australian seabed, the installation and any goods on it, are deemed to have been imported at the time when the installation is brought to that place.

Goods taken to natural resources installations

Clause 7 This clause is similar to Section 7 of the Customs Tariff Act 1982. It provides that where goods are taken from parts beyond the seas to a natural resources installation that is deemed to be part of Australia, the goods shall be deemed to have been imported into Australia upon being taken on to the installation.

Export of natural resources installations

Clause 8 This clause is similar to Section 8 of the Customs Tariff Act 1982. It provides that where a natural resources installation ceases to be part of Australia, the installation and any goods on it shall be deemed to have been exported from Australia. It further provides that where a natural resources installation is taken from a place in Australia for the purpose of being attached to the Australian seabed, the installation and goods on it shall not be taken to have been exported from Australia.

Export of goods from natural resources installations

Clause 9 This clause is similar to Section 9 of the Customs Tariff Act 1982. It provides that where goods are taken from a natural resources installation that is deemed to be part of Australia under clause 5 of this Bill, for the purpose of being taken to parts beyond the seas, the goods shall be deemed to have been exported at the time they are taken from the installation.

