

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

SEA INSTALLATIONS (MISCELLANEOUS AMENDMENTS) BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the Minister for
the Arts, Sport, the Environment, Tourism and
Territories, the Honourable John Brown, MP)

SEA INSTALLATIONS (MISCELLANEOUS AMENDMENTS) BILL 1987

OUTLINE

The purpose of this Bill is to amend the

- . Customs Act 1901,
- . Excise Act 1901,
- . Migration Act 1958, and
- . Quarantine Act 1908,

to give each of those Acts application in respect of any sea installations which are installed in a coastal area of Australia, or an area adjacent thereto.

The proposed amendments will give to officers administering the respective Acts powers with respect to such installations, and any ships, aircraft, persons and goods arriving with or at the installations or departing overseas from such installations.

In addition, the Bill proposes the repeal of certain sections of the Customs Tariff Act 1982 and the Excise Tariff Act 1921, and the complete repeal of the Customs Tariff (Installations at Sea) Act 1987 (Parts III, V and VIII respectively of the Bill), as these provisions are now to be incorporated in the principal Customs and Excise Acts (clauses 6, 10 and 15 of the Bill for the Customs Act, and clause 25 of the Bill for the Excise Act).

The Bill is part of a package of measures proposed as a consequence of the Sea Installations Bill 1987, and will commence on the date on which that principal Bill receives the Royal Assent, with the exception of the Customs and Excise amendments, which will be deemed to have commenced on 15 October 1987 so that the duty provisions of those Acts, especially as regards any imported sea installations, can apply as and from that date.

Financial Impact Statement

The proposed amendments in this Bill have no direct financial implications.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Short Title

Clause 1 is a formal machinery clause, which provides for the citation of the Act.

Commencement

Clause 2 provides for the Act to come into operation as follows:

- Parts II and IV, which amend the Customs Act 1901 and the Excise Act 1901 respectively, are deemed to have come into operation on 15 October, 1987. This retrospective commencement is to enable the customs and excise duty provisions of each of the Acts respective Tariff Acts to apply from that date. This will permit import duty, for example, to be imposed on sea installations imported into Australia from that day.
- . penalty provisions in the Bill however, are effectively deferred until after Royal Assent (Clause 21 - transitional provision);
- Parts I, III, V and VIII are also deemed to have come into operation on 15 October 1987. The latter 3 Parts effect consequential repeals to provisions of the Customs and Excise Tariff Acts, as a result of the incorporation of similar type provisions in the principal Customs and Excise Acts (Clauses 6, 10, 15, 23, 25, 29 and 56 refer);
- Parts VI and VII, which amend the Migration Act 1958 and the Quarantine Act 1908 respectively, are to come into operation on the commencement of the Sea Installations Act 1987, which is to commence on the day on which it receives the Royal Assent.

PART II - AMENDMENTS OF THE CUSTOMS ACT 1901

Principal Act

Clause 3 is a formal machinery clause which identifies the Customs Act 1901 as the Principal Act for the purposes of this Part of the Bill.

Interpretation

Clause 4 amends Section 4 of the Principal Act to introduce a number of new definitions into the Principal Act, which serve to distinguish the existing regime in the Act applicable to Australian and overseas off-shore installations (now referred to as resources installations) and the new regime to be inserted by this Bill, relating to Australian and overseas sea installations, and in particular,

- omits the definition of "installation" and substitutes a new definition to clearly distinguish between a "resources installation" and a "sea installation" (paragraph (g));
 - . a "resources installation" (ie the former off-shore installation) relates to the fixed structures or mobile units (vessels or floatable structures) used off-shore for exploring or exploiting natural resources (ie drilling rigs, oil exploration platforms, etc) (paragraph (k)), and subsections 4(5) and (6) of the Principal Act);
 - . a "sea installation" relates to those man-made fixed or floatable structures defined in the Sea Installations Act 1987 as structures which can be used for environment related activities (defined in paragraph (f) and the Sea Installations Act 1987 as activities relating to tourism or recreation, exploring, exploiting or using the living resources of the sea (whether by fishing, pearling, oyster or fish farming or otherwise), the carrying on of a business, marine archaeology, scientific or transport activities, or such other activities as may be prescribed) (paragraph (m));
- omits the definition of "Australian installation" and substitutes two new definitions to again clearly distinguish between "Australian resources installations" and "Australian sea installations" (paragraphs (b) and (c));
 - . "Australian resources installation" retains the same definition previously given to "Australian installation" under Section 5 of the Customs Tariff Act 1982 (proposed new Section 5C; Clause 6 refers)
 - . "Australian sea installation" is defined pursuant to proposed new section 5C (Clause 6 refers) which, similar to the definition of Australian resources installation, means a sea installation that is in, or becomes installed in, a coastal area of Australia, or an area adjacent thereto;
- inserts new definitions for "coastal area" and "adjacent area", as follows:
 - . "coastal area" is defined to mean the area comprising the waters of the territorial sea of Australia, and the sea on the landward side of the territorial sea and not within the limits of a State or an internal Territory (paragraph (d));
 - . "adjacent area" is defined by reference to its definition in Section 5 of the Sea Installations Act 1987, which is an area beyond the 3 nautical mile territorial sea of Australia, but within the outer limits of either the continental shelf of Australia, or the 200 mile Australian fishing zone (paragraph (a))

- .. As Customs legislation presently does not extend to external Australian Territories, the above definition of adjacent area for the purposes of Customs legislation does not include the adjacent areas of Australia's external Territories (ie Christmas Island, Norfolk Island, etc)
- omits the definition of "overseas installation" and substitutes two new definitions to again distinguish between an "overseas resources installation" and an "overseas sea installation" (paragraph (h));
 - . an "overseas resources installation" repeats the previous definition for an "overseas installation" in the Principal Act;
 - . an "overseas sea installation" is a sea installation (as defined) that is in an adjacent area or coastal area (as defined) and has been brought into such an area from a place outside Australian waters;
- adds new subsections (11) to (14), similar to existing subsection (9), to provide that a sea installation shall be taken to be installed in an adjacent area (for the purpose of deeming that installation to be part of Australia) if;
 - . the installation is in physical contact with, or is brought into physical contact with, a part of the seabed in an adjacent area or the installation is in physical contact with or is brought into physical contact with a part of the seabed in an adjacent area (proposed new subsection (11)); or
 - . the whole or part of the installation is in the adjacent area, and has been for a period in excess of 30 consecutive days or 40 out of 60 consecutive days, (proposed new subsection (12));
- adds new subsections (15) to (18), to provide that sea installations shall be taken to be installed in coastal areas (again for the purposes of deeming such installations to be part of Australia) in exactly the same way as sea installations are taken to be installed in adjacent areas (the previous subsections (11) to (14)).

Attachment of overseas resources installations

Clause 5 is a technical and consequential drafting amendment to section 5A of the Principal Act, making it now apply to overseas resources installations, as distinct from overseas sea installations.

Clause 6 inserts two new sections into the Principal Act as follows:

Installation of overseas sea installations

- The proposed new section 5B applies the same controls over the installation of overseas sea installations in a coastal area that apply to the attachment of overseas resources installations to the Australian seabed, ie
 - . a new offence is created for installing an overseas sea installation in a coastal area without the written permission of the Comptroller. Penalty \$50,000; (proposed new subsection (1))
 - . the Comptroller may give permission for the installation of an overseas sea installation, which may be made subject to conditions and which may be revoked or varied or be subject to the imposition of new conditions (proposed new subsections (2) and (4));
 - .. conditions to which the permission might be subject include conditions relating to quarantine, and conditions requiring the permission holder to bring the installation to a prescribed place for inspection for quarantine purposes prior to installation (proposed new subsection (5));
 - . failure to comply with any conditions to which the permission is subject renders one liable to a penalty not exceeding \$10,000 (proposed new subsection (3))
- The transitional provision (subclause 21(1)) effectively precludes the penalty provisions of this clause from operating until after this Act receives the Royal Assent.
- The installation of sea installations generally in adjacent areas is governed by the Sea Installations Act 1987 (the Principal Act in this package).

Certain installations to be part of Australia

- The proposed new section 5C is a deeming provision, which effectively deems installations (ie-both resources and sea installations) to be part of Australia for the purposes of the Customs Acts (as defined). The purpose of this is to extend the Customs barrier to such installations, and thereby deem movements of persons and goods to such installations from mainland Australia to be movements between places in Australia and not movements between Australia and an overseas place. The provision will deem installations to be part of Australia where:
 - . at the commencement of this proposed section (ie 15 October 1987),

- .. a resources installation becomes attached to, or is attached to, the Australian seabed, or
- .. a sea installation becomes installed in, or is installed in, an adjacent area or a coastal area (proposed subsection(1));
- . the section also provides that a resources or sea installation that is deemed to be part of Australia shall cease to be so upon being detached from its respective location for the purpose of being taken to a place outside the respective jurisdictional limits for such installations (proposed subsections (2) and (3));
- As the proposed new section applies to both the existing resource installations regime and the new sea installations regime, the existing Customs Tariff provisions, insofar as they dealt with resources installations (the old "off-shore" installations) have been superceded, and are therefore repealed (Parts III and VIII refer, section 5 of each Act).

Resources installations subject to the control of the Customs

Clause 7 effects a technical and consequential drafting change to Section 33A of the Principal Act, making that Section now apply to Australian resources installations, as distinct from Australian sea installations.

Sea installations subject to the control of the Customs

- Clause 8 introduces a new Section 33B into the Principal Act, which subjects sea installations to the same Customs control as is presently applied to resources installations by section 33A; in particular,
- a new offence is created for using, without the written permission of the Comptroller, an Australian sea installation that is subject to the control of the Customs (ie, such an installation is subject to the control of the Customs where it is imported, and it remains subject to such control until it has been dealt with in accordance with an entry for home consumption (sections 30 and 39)
 - . the penalty for contravention of this subsection is a maximum fine of \$50,000 (proposed new subsection (1)),
 - the Comptroller may give permission to engage in specified activities in relation to the use of an Australian sea installation, which may be made subject to conditions which may be revoked, varied or added to (proposed new subsections (2) and (4))

- failure to comply with any conditions to which the permission is subject renders one liable to a penalty not exceeding \$10,000 (proposed new subsection (3))
- Note - the specific exemption from the application of Section 33 (ie, the prohibition on moving goods which are subject to the control of the Customs) for resources installations applies equally to sea installations. Without this exemption, nothing would be permitted to be done in relation to a sea installation (in terms of moving it or operating it) following its importation and installation until all entry formalities were completed and authority had been given for the release of the installation from Customs Control.
- Note - the transitional provision, (subclause 21(2)), effectively precludes the penalty provisions of this clause from operating until after the Act receives the Royal Assent.

Ships and aircraft deemed to be imported

- Clause 9 effects a technical and consequential drafting change to Section 49A of the Principal Act, to expand the exemption from the application of the section to overseas sea installations;
- the effect of the new exemption is to exclude overseas sea installations from being deemed to be imported ships, similar to the current exemption for overseas resources installations.

- Clause 10 inserts a new section into the Principal Act as follows:

Installations and goods deemed to be imported

- The proposed new section 49B deems an installation (and any goods on the installation), which is brought from overseas and attached to the Australian seabed or installed in coastal waters or areas adjacent thereto, to have been imported into Australia at the time when the installation becomes so attached or so installed (proposed new subsection (1))
 - the effect of this deeming provision is to render such installations and goods liable to import duty under the Customs Tariff Act;
 - proposed subsection (2) sets the time when an installation (and any goods on the installation) is deemed to be imported where the installation is first brought from overseas into a place in Australia, for the purpose of then being taken into Australian waters for attachment to the Australian seabed or installation in coastal areas or areas adjacent thereto;

.. importation is deemed to occur at the time the installation is first brought to the place in Australia.

- The proposed new section is similar to the previous deeming provisions in Section 6 of the Customs Tariff Acts (Parts III and VIII refer), and as a consequence of the former's placement in the Customs Act, those latter sections are repealed.

Ships and aircraft to enter ports or airports

Clause 11 effects a similar technical and consequential drafting change as the one proposed in Clause 9, to Section 58 of the Principal Act, to make it clear that the present control over the entry of ships or aircraft at places other than designated ports or airports,

- extends to Australian installations (as proposed to be defined; ie - resources installations and sea installations) and,
- those installations are deemed to include ships which are at such installations.

Direct journeys between sea installations and external places prohibited

Clause 12 introduces a new Section 58A into the Principal Act, to expressly control the direct movement of persons and or goods between sea installations and overseas places. In particular,

- proposed subsection (1) deems sea installations to not be part of Australia for the purposes of this control. Without such a deeming provision, the control could not operate, as the Customs Acts do not extend to transit between places in Australia;
- proposed subsection (2) imposes a control over persons travelling direct from overseas to a sea installation in a coastal area or adjacent area (as defined) as follows:
 - . the person, the holder of the permit for the installation, and the owner and person in charge of the ship or aircraft on which the person is conveyed to the installation, are each guilty of a fine not exceeding \$10,000 (proposed subsection 8), where
 - .. the person has not been available for questioning in Australia for the purposes of the Principal Act, after leaving the overseas place and before arriving at the installation;
- proposed subsection (3) imposes a similar control to that in proposed subsection (2), for goods brought from overseas to a sea installation;

- proposed subsections (4) and (5) repeat the same controls over persons and goods in subsections (2) and (3) respectively, for journeys from a sea installation to an overseas place;
- proposed subsection (6) prescribes three exceptions to the "prohibition" on direct journeys to or from sea installations, as follows;
 - . the direct journey to or from the sea installation was necessary to secure the safety of, or avert a threat to, human life, (paragraph a)
 - . the direct journey to or from the sea installation was necessary to secure the safety of, or avert a threat to, a ship at sea, an aircraft in flight or a sea installation (paragraph b), or
 - . the direct journey to or from the sea installation was authorised in writing by the Comptroller, and was carried out in accordance with any conditions which may have been prescribed (paragraph c);
 - .. a decision of the Comptroller refusing to authorise such a journey is reviewable by the Administrative Appeals Tribunal (see Clause 20);
- proposed subsection (8) serves to qualify the application of this control, by clarifying that a person or goods are not deemed to have travelled to or from an external place or a sea installation by reason only of having been in an aircraft flying over the place or sea installation, or on a landing strip in the place or sea installation. This provision is intended to exempt, amongst other things, in-transit passengers or goods from the control of the section, where such passengers or goods do not disembark, or are not unloaded, in an external place, or a sea installation.

Ships and aircraft to obey signals

- Clause 13 effects a technical and consequential drafting change to Section 59 of the Principal Act, to expand the current requirement for masters of ships or aircraft to permit their vessels, or aircraft, to be boarded, where such craft are within or flying over the waters within 500 metres of an Australian resources installation, to also include Australian sea installations.

Facility for Boarding

- Clause 14 effects a technical and consequential drafting change to Section 61 of the Principal Act, to extend the obligation on the master of a resources installation to facilitate the boarding of the installation by authorised persons, to also include the owner of a sea installation.

Clause 15 inserts two new sections into the Principal Act, as follows:

Export of installations

- Proposed new section 126A is the partner to proposed new section 49B (clause 10), and deems an installation, and any goods on the installation, to have been exported from Australia at the time when;
 - . the installation ceases to be part of Australia (see proposed new subsection (1), and Clause 6 - new subsections 5C(2) and (3) - for when installations are deemed to cease to be part of Australia)
 - . proposed new subsection (2) makes it clear that the transportation of an installation from a place in Australia into Australian waters or into an adjacent or coastal area for the purposes of attaching or installing the installation in that area, is not to be regarded as an exportation of the goods from Australia.
- The proposed new section is similar to the existing section 8 of the Customs Tariff Acts (Parts III and VIII refer) and once again supercedes those sections.

Export of goods from installations

- Proposed new section 126B sets the time when goods are deemed to have been exported from an installation, as the moment when the goods are taken from the installation for the purpose of being taken to parts beyond the seas, irrespective of whether the goods leave the installation for overseas directly or indirectly.
- Again, this proposed new section is similar to the existing Section 9 of the Customs Tariff Acts (Parts III and VIII refer) and effectively replaces those provisions.

Power to board and search

Clause 16 effects a technical and consequential drafting change to Section 187 of the Principal Act, to extend the current Customs power to board and search Australian resources installations and to secure goods on board such installations, to Australian sea installations in respect of which permission has been granted for installation in an Australian coastal area or an area adjacent thereto, and where;

- . the installation remains subject to Customs control;
- . an overseas ship or aircraft is at the installation; or
- . an officer has reasonable cause to believe that goods subject to the control of Customs are on the installation.

Power to question passengers, etc

- Clause 17 is a consequential drafting amendment to Section 195 of the Principal Act, as a result of amendments to Section 187 noted in Clause 15 above.

Forfeited resources installations

- Clause 18 amends Section 228A of the Principal Act, to reflect the new distinction between resources installations and sea installations. Section 228A is now restricted to overseas resources installations, and provides that such installations shall be forfeited to the Crown where they are attached to the Australian seabed without permission.

Forfeited sea installations

- Clause 19 inserts a new Section 228B into the Principal Act, to provide for the same forfeiture applying to overseas resources installations in Section 228A, to overseas sea installations installed without permission in coastal areas of Australia or areas adjacent thereto.

Review of decisions

- Clause 20 amends Section 273 GA of the Principal Act to make reviewable by the Administrative Appeals Tribunal the decision of the Comptroller refusing to authorise a direct journey to or from a sea installation (ie, proposed new paragraph 58A(6); see Clause 12, new subsection 6)

Transitional provisions

- Clause 21 introduces a standard transitional provision, to cater primarily for the various proposed new sections of the Act which include penalty provisions, as follows:
- subclause (1) permits sea installations to remain in coastal areas without a section 5B permission (ie, see Clause 5) where the sea installation was installed in the coastal area prior to this Act receiving the Royal Assent, for a period
 - . of 2 months after the Royal Assent, (paragraph (b)) or
 - . where an application for a Section 5B permission is made within 1 month of the Royal Assent, for a period of 1 month after that first month, or the final disposal of the application, whichever is the later (paragraph (a));
 - . after the expiration of the above transitional period, the penalty for keeping an installation in such an area without a Section 5B permission applies (ie, \$50,000 - subclause (3));

- subclause (2) permits sea installations which are subject to the control of the Customs (ie, imported sea installations which are imported as and from the date of commencement, 15 October 1987,) and which are being used for a particular activity prior to this Act receiving the Royal Assent, to continue to be used for that activity without a Section 33B permission (ie, see Clause 9), for a period
 - . of 96 hours after the Royal Assent (paragraph (b)), or
 - . where an application for a Section 33B permission is made within 48 hours of the Royal Assent, for a period of 48 hours after that first 48 hour period, or the final disposal of the application, whichever is the later (paragraph (a));
 - . after the expiration of the above transitional period, the penalty for continuing to use a sea installation for a particular activity without a Section 33B permission applies (ie, \$50,000 - subclause (4))
- subclause (6) prevents an overseas sea installation which is installed in a coastal area without a Section 5B permission from being liable to forfeiture pursuant to new section 228B (Clause 19) during the permitted transitional months referred to in subclause (1);
- subclauses (7) and (8) preserve the effect of Customs (Prohibited Imports) and (Prohibited Exports) Regulations in force at the commencement of this Act, to the doing of acts which would constitute an importation or an exportation of goods under proposed new Sections 49B and 126A of the Act (Clauses 10 and 15)
- subclause (9) inserts a standard penalty transitional provision, made necessary as a result of the proposed 15 October 1987 commencement for this Part (Clause 2 refers). The effect of this provision is to prevent any penalty or offence provisions under the Customs Act 1901, as amended, from applying to acts done, or omitted to be done, prior to the Royal Assent of this Act.

PART III - AMENDMENT OF THE CUSTOMS TARIFF ACT 1982

Principal Act

Clause 22 is a formal machinery clause, which identifies the Customs Tariff Act 1982 as the Principal Act for the purposes of this Part of the Bill.

Repeal of sections 5 to 9, inclusive

Clause 23 effects the repeal of 5 sections of the Principal Act, as a consequence of their transfer to the Customs Act 1901 in Part II of this Bill. (Clauses 6, 10 and 15 refer)

PART IV - AMENDMENTS OF THE EXCISE ACT 1901

Principal Act

Clause 24 is a formal machinery clause, which identifies the Excise Act 1901 as the Principal Act for the purposes of this Part of the Bill.

Clause 25 inserts a new Section into the Principal Act, as follows:

Certain installations to be part of Australia

- The proposed new section 4A is a deeming provision, which effectively deems installations (ie both resources and sea installations) to be part of Australia for the purposes of the Excise Acts (as defined). The purpose of this is to extend the Excise Acts to such installations and thereby extend provisions of those Acts dealing with, for example, the production or manufacture of tobacco products, spirits, beer, etc. to such installations. The provision will deem installations to be part of Australia where
 - . at the commencement of this proposed section (ie 15 October 1987),
 - .. a resources installation becomes attached to, or is attached to, the Australian seabed, or
 - .. a sea installation becomes installed in, or is installed in, an adjacent area or a coastal area (proposed subsection (1));
 - . the section also provides that a resources or sea installation that is deemed to be part of Australia shall cease to be so upon being detached from its respective location for the purpose of being taken to a place outside the respective jurisdictional limits for such installations (proposed subsections (2) and (3));

As the proposed new section applies to both the existing resource installations regime and the new sea installations regime, the existing Excise Tariff provision, insofar as it dealt with resources installations (the old "off-shore" installations) has been superceded, and is therefore repealed (Part V refers, section 5A);

- proposed new subsection (4) defines various terms used in this new deeming provision, by virtue of their respective meanings in the Customs Act 1901 (Part II, clause 4 refers).

Powers of officers in relation to resources installations

- Clause 26 effects a technical and consequential drafting change to Section 87A of the Principal Act, to restrict the section (which gives to excise officers powers in relation to installations producing excisable goods equivalent to the powers these officers now have in respect of access to excise factories and the examination of goods, processes and systems in such factories) to Australian resources installations.

Powers of officers in relation to sea installations

- Clause 27 inserts a new Section 87B, which extends the same excise officer powers applying to Australian resources installations in Section 87A, to Australian sea installations.

Transitional

- Clause 28 inserts a standard penalty transitional provision, made necessary as a result of the proposed 15 October 1987 commencement for this Part (Clauses 2 refers). The effect of this provision is to prevent any penalty or offence provisions under the Excise Act 1901, as amended, from applying to acts done or omitted to be done prior to the Royal Assent of this Act.

PART V - AMENDMENTS OF THE EXCISE TARIFF ACT 1921

Principal Act

- Clause 29 is a formal machinery clause, which identifies the Excise Tariff Act 1921 as the Principal Act for the purposes of this Part of the Bill.

Repeal of Section 5A

- Clause 30 effects the repeal of Section 5A of the Principal Act, as a consequence of its transfer to the Excise Act 1901 in Part IV of this Bill (Clause 25 refers).

PART VI - AMENDMENTS OF THE MIGRATION ACT 1958Principal Act

Clause 31 is a formal machinery clause which identifies the Migration Act 1958 as the Principal Act for the purposes of this Part of the Bill.

Interpretation

Clause 32 amends Section 5 of the Principal Act to define words and phrases associated with the introduction of the new sea installations regime, the principal of which are as follows:

- "installation" is defined to mean a "resources installation" or a "sea installation". A resources installation is defined, in effect, to mean an industrial installation (previously, an installation) and a sea installation is defined to mean a sea installation within the meaning of the Sea Installations Act, (paragraphs (f), (h) and (j));
- an "Australian resources installation" is defined as a resources installation which is deemed to be part of Australia by section 5B of the Principal Act (as amended - see Clause 33 below), (paragraph (b));
- "Australian sea installation" is a sea installation which is to be deemed part of Australia by the new section 5C (see Clause 34 below), (paragraph (c));
- "port" is amended to include Australian resources and sea installations, (paragraph (g));
- "adjacent area" is defined to mean the adjacent area of continental Australia, Australia's inhabited external territories and the territory of Ashmore and Cartier Islands, (paragraph (a));
- "coastal area" is defined by reference to its definition in the Customs Act 1901 (see Clause 4 of this Bill) (paragraph (d));
- paragraphs (k), (p) and (g) amend the references to "installation" in subsections 5(2A), 5(10) and 5(11) of the Principal Act to reflect the fact that such (industrial) installations will now be referred to as "resources installations";
- paragraph (m) inserts a new subsection 5(2B) into the Principal Act. The subsection deems a sea installation which has been brought into Australian waters from overseas to have entered Australia when it is installed, and persons on board the installation are deemed to have entered Australia at the same time;

- paragraph (g) inserts new subsections 5(12) to 5(19) into the Principal Act to detail the circumstances in which a sea installation will be taken to be installed in an adjacent or coastal sea.

Certain resources installations to be part of Australia

- Clause 33 amends the reference to installations in section 5B of the Principal Act to reflect the fact that such (industrial) installations will now be referred to as "resources installations".

Certain sea installations to part of Australia

- Clause 34 inserts a new section 5C into the Principal Act equivalent to section 5B in relation to resources installations (see clause 33 above). The new section provides that an installed sea installation is deemed to be a part of Australia and that a sea installation ceases to be a part of Australia when it is detached or moved from its location for the purpose of being taken overseas.

Persons entering Australia to be prohibited non-citizens in certain circumstances

- Clause 35 Paragraph 16(4)(b) of the Principal Act deems certain persons to have evaded an officer when entering Australia with the consequence that, under paragraph 16(1)(a) of the Act, the person becomes a prohibited non-citizen. Persons who enter Australia at, or on, an Australian installation are exempted from this deeming provision,
- this clause amends paragraph 16(4)(b) to ensure that the exemption extends to persons who enter Australia at, or on, both sea and resources installations.

Duty of master, etc., of vessel or installation which brought deportee to Australia to provide passage

- Clause 36 Subsection 21(3A) of the Principal Act empowers an authorised officer to require a person responsible for an installation to transport a deportee out of Australia without cost to the Commonwealth where the deportee entered Australia on that installation,
- this Clause amends subsection 21(3A) to ensure that the provision applies to both sea and resources installations.

Production of identity documents by person in charge of resources installation

- Clause 37 amends the references to "installations" in section 23A to reflect the fact that such (industrial) installations will now be known as "resources installations".

Production of identity documents by person in charge of sea installation

- Clause 38 inserts a new section 23B into the Principal Act. The new provision is equivalent to the provisions in section 23A in relation to resources installations (see clause 37). It likewise provides that a person in charge of a sea installation must produce identity documents in respect of persons on board that installation upon its arrival and before its detachment from its location.

Custody of prohibited non-citizen during stay of aircraft in Australia

- Clause 39 Section 36A of the Principal Act authorises the detention of stowaways and certain other persons who arrive in Australia at proclaimed airports. Proclaimed airports are defined in subsection 36A(9) to include Australian installations;
- this clause repeals subsection 36A(9) and substitutes a new definition of proclaimed airport which includes both Australian resources and sea installations.

Powers of entry and search

- Clause 40 Section 37 of the Principal Act empowers an officer to enter a vessel and search it for stowaways and certain other persons. A reference to a vessel includes, by virtue of subsection 37(2A), an Australian installation;
- this clause repeals subsection 37(2A) and substitutes a new definition of vessel which includes both Australian resources and sea installations.

PART VII - AMENDMENTS OF THE QUARANTINE ACT 1908Principal Act

- Clause 41 is a formal machinery clause which identifies the Quarantine Act 1908 as the Principal Act for the purposes of this Part of the Bill.

Interpretation

- Clause 42 amends Section 5 of the Principal Act to introduce a number of new definitions into the Principal Act, similar to those proposed by Parts II and VI of this Bill for the Customs Act 1901 and Migration Act 1958 respectively. In particular;

- paragraphs (a) - (k) inclusive amend section 5 by removing from subsection (1) the definitions of 'Australian installation', 'Installation' and 'Overseas installation' and by inserting definitions of 'Adjacent area', 'Australian installation', 'Australian resources installation', 'Australian sea installation', 'coastal area', 'Installation', 'Environment related activity', 'resources installation', 'Overseas installation', 'Sea installation', and 'Sea Installations Act', and by making drafting changes to subsections (6) and (7) which are consequential upon these changes to the definitions;
- paragraph (p) inserts new subsections (7A) - (7H) inclusive, which specify the circumstances in which a sea installation shall be taken to be installed in an adjacent area (subsections (7A) to (7D) and in a coastal area (subsections (7E) to (7H)).

Certain resources installations to be part of Australia

- Clause 43 makes drafting changes to the expressions 'installation' and 'overseas installation' in section 16AA of the Principal Act as a consequence of the insertion into the Act of the new definition for "resources" installations.

Certain sea installations to be part of Australia

- Clause 44 inserts a new section 16AAA into the Principal Act which describes the circumstances in which sea installations are deemed to be part of Australia for the purposes of the Act.

Certain goods deemed to be imported into Australia

- Clause 45 inserts a new subsection 16AB (1A) into the Principal Act, which deems all goods, animals and plants of foreign origin which are on board an overseas sea installation at the time that the installation is installed to be imported at that time. The section also makes a consequential drafting change to subsection 16AB(1) of the Principal Act.

Persons and goods subject to quarantine

- Clause 46 amends section 18 of the Principal Act by inserting a new paragraph 2(e) to make any animal which goes on board a sea installation subject to quarantine, and makes consequential drafting changes to paragraphs 2(c) and (d).

Notification of outbreak of disease

- Clause 47 amends section 22 of the Principal Act to extend the obligation to report an outbreak of disease to the master of a sea installation.

Boarding of installations

- Clause 48 amends section 25A of the Principal Act by extending the obligation to allow and assist a quarantine officer to board installations to the master of a sea installation.

Granting of pratique to installations

- Clause 49 amends subsection 33A(2) of the Principal Act to specify when a certificate of pratique is required to be given to an overseas resources installation and to an overseas sea installation, where pratique has been granted by radio.

Order to perform quarantine

- Clause 50 amends subsection 35(1) of the Principal Act by extending the power of a quarantine officer to order things into quarantine to apply to sea installations, and to make a consequential drafting change.

Vessel or installation having a communicable disease on board

- Clause 51 amends section 35A of the Principal Act by replacing subsection 25A(6) to extend the meaning of 'vessel' to include sea installations.

Power to order goods into quarantine

- Clause 52 amends subsection 55A(2) of the Principal Act to extend the power to order goods into quarantine to include goods on board sea installations.

Liability of owner etc. for expenses of quarantine

- Clause 53 amends subsection 59(2) of the Principal Act by inserting paragraphs (ab) and (ac) which extend the range of expenses of quarantine which may, if the Governor-General so directs, be required to be borne by the Commonwealth to include expenses incurred by vessels trading exclusively between Australian ports and sea installations.

Cleansing and disinfection of insanitary vessels or installations

- Clause 54 amends section 78a of the Principal Act by adding a new subsection (5), which enables a quarantine officer to order the cleansing, fumigation, disinfecting or treatment of sea installations, and makes consequential drafting changes to subsection 78A(4) of the Principal Act.

Master, medical officer or agent misleading quarantine officer

- Clause 55 amends section 83 of the Principal Act to apply the offence of wilfully making a false statement or misleading a quarantine officer, and the penalty for the offence, to the master or medical officer of a sea installation.

Regulations

- Clause 56 amends section 87 of the Principal Act by replacing subsection (4) to extend the reference to the meaning of 'vessel' to include sea installations.

PART VIII - REPEAL OF CUSTOMS TARIFF (INSTALLATIONS AT SEA) ACT 1987Repeal

- Clause 57 repeals this Tariff Act, which was due to commence on 1 January 1988 as part of the harmonised tariff package (Customs Tariff Act 1987). The Act had the effect of repeating sections 5 to 9 of the Customs Tariff Act 1982 (dealing with resources (off-shore) installations). As the 1982 Tariff provisions have now been incorporated into the Customs Act 1901 (Part II, clauses 6, 10 and 15 refer) those provisions have effectively become obsolete and are repealed in Part III of this Bill. A similar consequential repeal is proposed for this Principal Act in this part.

