Sea Installations (Miscellaneous Amendments) Bill 1987

Date Introduced: 2 April 1987
House: House of Representatives

Digest of Bill

Purpose
To amend legislation as a result of the introduction of the Sea Installations Bill 1987.

Background
Refer to the Digest of the Sea Installations Bill 1987 which is complemented by this Bill.

Main Provisions
Amendments of the Customs Act 1901.

Section 4 of the Principal Act contains the interpretation provisions. Some of the more important ones to be amended or inserted by clause 4 will have the same meaning as in the Sea Installations Bill 1987. Others are:

'Australian sea installation' - a sea installation that is installed in a coastal or adjacent area at the commencement of the Customs Tariff Amendment (Sea Installations) Bill 1987; or an overseas or other sea installation that becomes so installed after the commencement of that Bill;

'overseas sea installation' - a sea installation that has been brought into a coastal or adjacent area from beyond Australian waters; and

'external place' - a foreign country or a Territory other than an internal Territory.

It will be an offence, carrying a penalty of $50 000, to install an overseas sea installation in a coastal or adjacent area without the written permission of the Comptroller of Customs. The Comptroller may give permission subject to conditions (see clause 6 which will insert a new section 5B into this Act).

Collectors of Customs will be authorised to exercise their statutory powers and
functions in the adjacent areas designated by the Sea Installations Bill 1987 (see clause 7 which will amend section 8 of this Act).

It will be an offence, attracting a penalty of $50 000, to use an Australian sea installation that is subject to the control of the Customs for environment related activities without the permission of the Comptroller (see clause 9 which will insert a new section 33B into this Act).

Direct journeys between sea installations and external places will be brought within the scope of Customs operations (see clause 12 which will insert a new section 58A into this Act).

A new section 228B will be inserted into this Act to provide that overseas sea installations that are attached to the Australian seabed without the Comptroller's permission are to be forfeited to the Crown (clause 18).

Amendments of the Excise Act 1901.

Section 87A of this Act provides that excise officers have the same powers over an installation on which excisable goods are manufactured or produced as they have over a factory. Clause 21 will amend the section to restrict its operation to Australian off-shore installations. A new section 87B will be inserted into this Act to give excise officers the same power over Australian sea installations (clause 22).

Amendments of the Migration Act 1958.

Clause 24 contains the interpretation provisions. The main one is 'installation' which will be:

- a 'sea installation' within the meaning of the Sea Installations Bill 1987;
- or
- an 'off-shore installation' which will be an industrial installation.

Any person on board a sea installation which has been brought into Australian waters from beyond the Australian limit will be deemed to have entered Australia at the time the installation was installed (clause 24 which will insert a new sub-section 5(2B) into this Act).

An off-shore installation will be deemed to become, and cease to be part of Australia in certain circumstances (see clause 25 which will amend section 5B of this Act). An installed sea installation will be deemed to be part of Australia until it is detached or moved from its location in specified circumstances (see clause 26 which will insert a new section 5C into this Act).

To ensure its application to sea installations as well as off-shore installations,
clauses 27 to 32 will amend this Act to
exempt persons who enter Australia at or on an installation from being prohibited non-citizens;
require the person responsible for an installation on which a deportee has entered Australia to transport the deportee out of Australia without cost to the Commonwealth;
require the person in charge of an installation to produce identity documents for persons on board on arrival and before detachment from the Australian seabed;
authorise the detention of stowaways and certain other persons who arrive in Australia at or on an installation; and
extend the powers of entry and search for stowaways and certain other persons to installations.

Amendments of the Quarantine Act 1908.

Certain sea installations will be deemed to be part of Australia (see clause 36 which will insert a new section 16AAA into this Act) such as:
an overseas sea installation which has been installed in a coastal or adjacent area and to which pratique has been granted or which has been released from quarantine; and
any other installation which is installed in a coastal or adjacent area at the commencement of this Bill or which becomes so installed after its commencement.

All goods, animals and plants of foreign origin which are on board an overseas sea installation are deemed to be imported at the time that the installation is installed (see clause 37 which will insert a new sub-section 16AB(1A) into this Act).

To extend its operation to sea installations, clauses 38 to 40 will amend this Act to ensure that any animal which goes on board is subject to quarantine;
oblige the master of a sea installation to report an outbreak of disease; and
oblige the master to allow and assist a quarantine officer to board a sea installation.

For further information, if required, contact the Science, Technology and Environment Group or the Economics and Commerce Group.

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