Sea Installations
(Miscellaneous Amendments) Bill 1987

Date Introduced: 7 October 1987
House: House of Representatives
Presented by: The Hon. John Brown, M.P., Minister for the Arts, Sport, Environment, Tourism and Territories

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
Clause 4 will amend section 4 of this Act containing the interpretation provisions. Some of the more important phrases dealt with by clause 4 will have the same meaning as in the Sea Installations Bill 1987. Others are:

- 'Australian waters' – for resources installations: waters above the Australian seabed;
  - for sea installations: waters of the adjacent areas and the coastal area;
- 'coastal area' – the territorial sea and the sea on the landward side of the territorial sea that is beyond State or internal Territory limits;
- 'resources installation' – resources industry structure or mobile unit;
- 'overseas resources installation' – an off-shore installation that has been brought into Australian waters from beyond the outer limits of Australian waters;
- 'overseas sea installation' – a sea installation that has been brought into a coastal or adjacent area from beyond the outer limits of Australian waters; and
- 'external place' – a foreign country or a Territory other than an internal Territory.

It will be an offence to install an overseas sea installation in a coastal area without written permission from the Comptroller of Customs (clause 6 which will insert a new section 5B into this Act).
For the purposes of the Customs Acts, certain installations will be deemed to be part of Australia. These are resources installations attached to the Australian seabed and sea installations installed in a coastal or adjacent area. An installation will cease to be part of Australia when it is detached from its location for removal beyond the jurisdiction (clause 6 which will insert a new section 5C into this Act).

A person is not to use an Australian sea installation that is under the control of Customs without the Comptroller’s permission. The Comptroller may specify conditions of use (clause 8 which will insert a new section 33B into this Act).

Overseas resources or sea installations (and any goods on board) will be deemed to be imported at the time of attachment to the Australian seabed or installation in an adjacent or a coastal area (clause 10 which will insert new section 49B into this Act).

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

An installation will be deemed to be exported from Australia, along with any goods on board, on being detached from its location for removal beyond the jurisdiction (clause 15 which will insert a new section 126A into this Act). Goods on board an installation that is part of Australia will be deemed to be exported at the time that they are taken off the installation to be sent overseas (clause 15 which will insert new section 126B into this Act).

Amendments of the **Excise Act 1901**
Clause 25 will insert a new section 4A into this Act to deem certain installations to be part of Australia for the purposes of the Excise Acts, using criteria similar to those provided for by clause 6 for the purposes of the Customs Acts.

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 26 will amend the section to restrict its operation to Australian resources installations. A new section 87B will be inserted into this Act to give excise officers the same power over Australian sea installations (clause 27).

Amendments of the **Migration Act 1958**
Clause 32 will amend section 5 of this Act, which contains the interpretation provisions. The more important ones to be inserted or substituted by clause 32 are similar to those proposed by clause 4 for the Customs Act 1901.

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 32 which will insert a new sub-section 5(2B) into this Act).
Provisions specifying the circumstances in which resources and sea installations will be deemed to become, and to cease to be part of Australia will be similar to those proposed by clause 6 for insertion in the *Customs Act 1901* (clauses 33 and 34 which will insert new sections 5B and 5C respectively into this Act).

To ensure its application to sea installations as well as off-shore installations, clauses 35 to 40 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***

The more important interpretation provisions will be similar to those proposed by clause 6 for insertion or substitution into the *Customs Act 1901* (clause 42).

Clause 43 will deem certain resources installations to be part of Australia. The following sea installations will be deemed to be part of Australia (clause 44 which will insert a new section 16AAA into this Act):

- 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 (clause 45 which will insert a new sub-section 16AB(1A) into this Act).

To extend its operation to sea installations, clauses 46 to 48 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.

**Repeal of the *Customs Tariff (Installations at Sea) Act 1987***

Clause 57 will repeal this Act. As a consequence of the enactment of other Customs legislation, the provisions of this Act are obsolete.
For further information, if required, contact the Law and Government Group or the Economics and Commerce Group.

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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