Date Introduced: 14 May 1981
House: House of Representatives
Presented by: Rt. Hon. J.D. Anthony, Minister for Trade and Resources

Short Digest of Bill

Purpose
To amend the law relating to off-shore petroleum mining.

Background
The Petroleum (Submerged Lands) Act 1967, as amended in 1980, provides for a mining code for petroleum in the continental shelf beyond the territorial sea administered by Joint Authorities consisting of the Commonwealth Minister and the State Minister for the area. Other functions are performed by a Designated Authority for the area (the State Minister). For the other Territories the Act is administered by the Commonwealth Minister.

Main Provisions
Amendments of the Petroleum (Submerged Lands) Act 1967

Clause 6 amends section 132 of the Act which provides for the prosecution of offences and which limits the fine that may be imposed where an offence is dealt with by a court of summary jurisdiction. In 1980 the amending Bill introduced terms of imprisonment as well as fines but section 132 was not amended to take account of this. Paragraphs 6(a), 6(b) and 6(c) substitute the word "penalty" in section 132 and a corresponding amendment is made by clause 7 to section 133 which deals with orders for forfeiture of aircraft, vessels, equipment or petroleum.

Clause 8 and Schedule 1 to the Bill amend Schedule 2 to the Act which describes the boundaries of the areas adjacent to the States and Territories. The part of the Schedule amended relates to Queensland and as described in the Explanatory Memorandum it moves the boundary so that the territorial seas of five islands in the Torres Strait which are now outside the adjacent area will fall within it and
will do so before the operation of the Coastal Waters (State Powers) Act 1980 so that Queensland will have legislative power over those areas. It is expected that the Torres Strait Treaty will be ratified later in 1981 and the Act will again be amended to specify the seabed line drawn under the Treaty.

The amendments to the 1967 Act come into operation on Royal Assent.

**Amendments to the Petroleum (Submerged Lands) Act 1980**

This Act is not yet in operation and the amendments made by this Part are to come into operation on the same day and operate as if the Act was enacted subject to these amendments.

Clause 10 amends section 7 of the 1980 Act to include in new section 5A an adjacent area for the Coral Sea Islands which is to be treated as part of the Queensland adjacent area.

Clause 11 replaces proposed section 8G with a new section 8G which deals with the role of the Commonwealth Minister in adjacent areas relating to Commonwealth Territories (Ashmore and Cartier Islands, Norfolk Island and Heard and McDonald Islands). The Joint Authority is to have no role in these areas and the Commonwealth Minister is, as Designated Authority, to exercise all functions of the Joint Authority.

Clause 12 amends section 63, the transitional provisions in the 1980 Act. New sub-section 2A deals with the situation where part of a permit area is no longer within Commonwealth jurisdiction, to enable applications for surrendered, cancelled or determined permits to be made for the remaining part of the permit area. New sub-section 2B provides that where, in respect of a permit or pipeline licence, grounds existed for cancellation under the existing legislation, and the permit or licence is now partly within State jurisdiction, these grounds will apply to the new permit or licence under the transitional provisions.

Clause 4 amends Schedule 4 to the 1980 Act (transitional arrangements) to alter the definition of "commencing day" to take account of this amending Bill; and to redefine "State Act" to enable the States to make new Acts rather than amend existing Acts.
Amendments of Coral Sea Islands Act 1969

Clause 16 amends section 8 of the Act to provide that the courts of Norfolk Island will not have jurisdiction in relation to matters arising under or by virtue of the Petroleum (Submerged Lands) Act 1967. The inclusion of the Coral Sea Islands in the Queensland adjacent area means that the Queensland courts have jurisdiction in these matters.

For further information, if required, contact:

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28 May 1981