

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 14 May 1981

(*Minister for Trade and Resources*)

A BILL

FOR

**An Act to amend the *Petroleum (Submerged Lands) Act 1967*,
the *Petroleum (Submerged Lands) Amendment Act 1980* and
the *Coral Sea Islands Act 1969***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Petroleum (Submerged Lands—Miscellaneous Amendments) Act 1981*.

Commencement

2. (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Parts III and IV shall come into operation on the day fixed by Proclamation under section 2 of the *Petroleum (Submerged Lands) Amendment Act 1980*, and that Act shall come into operation on that day as amended by Part III.

Adjacent areas

10. Section 7 of the Principal Act is amended—

- 5 (a) by omitting from paragraph (6) (b) of the new section 5A that is proposed to be inserted in the *Petroleum (Submerged Lands) Act 1967* “islands.’.” and substituting “islands.”; and
- (b) by adding at the end of that new section the following sub-sections:

10 “(7) For the purposes of this Act, the Coral Sea area is so much of the area to the east of the adjacent area in respect of Queensland as comprises waters of the sea that are within the outer limits of the continental shelf, other than any part of that area that is to the south of the parallel of Latitude 25° South or that is on the landward side of the coastline of any island at mean low water.

15 ‘(8) This Act, and any Act with which this Act is incorporated, apply in relation to the Coral Sea area as if that area were part of the adjacent area in respect of Queensland and references in this Act, and in any Act with which this Act is incorporated, to the adjacent area in respect of a State, shall, in relation to Queensland, be read as including references to the Coral Sea area.

20 ‘(9) For the purposes of sub-sections (5), (6) and (7), the continental shelf does not include any area of seabed and subsoil that, by virtue of an agreement in force between Australia and another country, is not an area over which Australia exercises sovereign rights.’.”

25 11. Section 10 of the Principal Act is amended by omitting the new section 8G that is proposed to be inserted in the *Petroleum (Submerged Lands) Act 1967* and substituting the following section:

Certain Territories

30 “8G. (1) The Designated Authority in respect of the adjacent area in respect of a Territory referred to in section 7 has, and may perform and exercise, in relation to that adjacent area, all the functions and powers conferred by this Act, or by an Act with which this Act is incorporated, upon the Joint Authority in respect of the adjacent area in respect of a State and, for the purpose of the performance of those functions and the exercise of those powers by that Designated Authority—

- 35 (a) a reference in this Act other than in this Part, or in an Act with which this Act is incorporated, to the Joint Authority in respect of an adjacent area shall be read as a reference to that Designated Authority; and
- 40 (b) a reference in this Act other than in this section, or in an Act with which this Act is incorporated, to a State in relation to which the Joint Authority in respect of an adjacent area is established shall be read as a reference to that Territory.

“(2) The provisions of this Part, other than this section, have no application in relation to the adjacent area in respect of a Territory referred to in section 7.’”.

Transitional provisions

12. Section 63 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections: 5

“(2A) Where, before the commencement of this Act, an exploration permit under the Principal Act was surrendered, cancelled or determined as to an area—

- (a) that, at the time of the surrender, cancellation or determination, was, or was included in, a location under the Principal Act; and 10
- (b) part only of which is within an adjacent area (within the meaning of the Principal Act, as amended by this Act),

each block constituted as provided by section 17 of the Principal Act as amended by this Act that is comprised in the part of that area that is referred to in paragraph (b) shall— 15

- (c) be deemed to be a block to which sub-section 23 (1) of the Principal Act as amended by this Act applies; and
- (d) if, in the opinion of the Designated Authority, there is petroleum in that part of that area, be deemed to be a block to which sub-section 47 (1) of the Principal Act as amended by this Act applies. 20

“(2B) If, in respect of a subsisting permit or subsisting pipeline licence, within the meaning of Schedule 4, being a permit or licence in respect of an area or route that is partly within a State jurisdiction, within the meaning of that Schedule, a circumstance referred to in paragraph 105 (1) (a), (b), (c) or (d) of the Principal Act existed immediately before the commencement of this Act, section 105 of the Principal Act as amended by this Act applies in relation to the new permit or new pipeline licence, within the meaning of that Schedule, under the Principal Act as so amended arising out of that subsisting permit or subsisting pipeline licence as if the grounds upon which, under sub-section (1) of that section, the new permit or new pipeline licence may be cancelled, in whole or in part, included the existence, immediately before the commencement of this Act, of those circumstances in relation to that subsisting permit or subsisting pipeline licence.” 25 30

Schedule 4 35

13. Schedule 4 to the Principal Act is amended—

- (a) by omitting from sub-clause 1 (1) the definition of “commencing day” and substituting the following definition:

“ ‘commencing day’ means the day on which the *Petroleum (Submerged Lands) Amendment Act* 1980 of the Commonwealth, or that Act as amended, comes into operation;” 40

- (b) by omitting from that sub-clause the definition of “State Act” and substituting the following definition:

5 “State Act’, in relation to a State, means the Act of that State that deals with the exploration for, and the exploitation of, the petroleum resources of submerged lands and contains a Schedule substantially corresponding to this Schedule, and includes that Act as amended from time to time;” and

- (c) by omitting from the definition of “State jurisdiction” in that sub-clause “, as amended to give effect to the altered arrangements”.

10 **Formal amendments**

14. The Principal Act is amended as set out in Schedule 2.

PART IV—AMENDMENTS OF CORAL SEA ISLANDS ACT 1969

References to Principal Act

15 15. The *Coral Sea Islands Act 1969*³ is in this Part referred to as the Principal Act.

Courts having jurisdiction in the Territory

16. Section 8 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “The courts” and substituting “Subject to sub-section (3), the courts”; and
20 (b) by adding at the end thereof the following sub-section:

“(3) Sub-section (1) does not confer jurisdiction on the courts of Norfolk Island in relation to matters arising under or by virtue of the provisions of the *Petroleum (Submerged Lands) Act 1967*.”

SCHEDULE 1

Section 8

AMENDMENT OF SCHEDULE 2 TO THE PETROLEUM (SUBMERGED LANDS) ACT 1967

Omit from the description of the area specified in Schedule 2 as being the area adjacent to the State of Queensland "thence north-easterly along the geodesic to a point of Latitude 9° 30' South, Longitude 141° 35' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 45" South, Longitude 142° 00' 15" East, thence easterly along the parallel of Latitude 9° 10' 45" South to its intersection by the meridian of Longitude 142° 04' 45" East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 09' East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 30" South, Longitude 142° 16' East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 18' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 14' 45" South, Longitude 142° 21' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 21' 30" South, Longitude 142° 33' 15" East, thence north-easterly along the geodesic to a point of Latitude 9° 08' 15" South, Longitude 143° 52' 15" East, thence south-easterly along the geodesic to a point of Latitude 9° 24' 30" South, Longitude 144° 13' 45" East, thence north-easterly along the geodesic to a point of Latitude 9° South, Longitude 144° 45' East,".

Substitute "thence north-easterly along the geodesic to a point of Latitude 9° 31' 30" South, Longitude 141° 28' 52" East, thence along the line formed by a series of arcs of circles having a radius of three international nautical miles and drawn successively from the following points:

	<i>Latitude</i> (South)	<i>Longitude</i> (East)
(i)	9° 32' 07"	141° 31' 50"
(ii)	9° 32' 02"	141° 31' 54"
(iii)	9° 31' 56"	141° 31' 58"
(iv)	9° 31' 51"	141° 32' 02"
(v)	9° 31' 29"	141° 32' 17"
(vi)	9° 31' 27"	141° 32' 19"
(vii)	9° 31' 24"	141° 32' 21"
(viii)	9° 30' 40"	141° 33' 32"
(ix)	9° 30' 08"	141° 34' 01"
(x)	9° 30' 01"	141° 34' 05"
(xi)	9° 29' 57"	141° 34' 08"
(xii)	9° 29' 51"	141° 34' 14"
(xiii)	9° 29' 51"	141° 34' 19"
(xiv)	9° 29' 58"	141° 36' 13"

so as to pass successively to the north-west and north of Deliverance Island, to a point of Latitude 9° 27' 48" South, Longitude 141° 38' 20" East, thence north-easterly along the geodesic to a point of Latitude 9° 15' 43" South, Longitude 142° 03' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 12' 50" South, Longitude 142° 06' 25" East, thence north-easterly along the geodesic to a point of Latitude 9° 11' 51" South, Longitude 142° 08' 33" East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 58" South, Longitude 142° 10' 18" East, thence north-easterly along the geodesic to a point of Latitude 9° 11' 22" South, Longitude 142° 12' 54" East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 34" South, Longitude 142° 14' 08" East, thence south-easterly along the geodesic to a point of Latitude 9° 13' 53" South, Longitude 142° 16' 26" East, thence south-easterly along the geodesic to a point of Latitude 9° 16' 04" South, Longitude 142° 20' 41" East, thence south-easterly along the geodesic to a point of Latitude 9° 22' 04" South, Longitude 142° 29' 41" East, thence north-easterly along the geodesic to a point of Latitude 9° 21' 48" South, Longitude 142° 31' 29" East, thence south-easterly along the geodesic to a point of Latitude 9° 22' 33" South, Longitude 142° 33' 28" East, thence north-easterly along the geodesic to a point of Latitude 9° 21' 25" South, Longitude 142° 35' 29" East, thence north-easterly along the geodesic to a point of Latitude 9° 20' 21" South, Longitude 142° 41' 43" East, thence north-easterly along the geodesic to a point of Latitude 9° 20' 16" South, Longitude 142° 43' 53" East, thence north-easterly along the geodesic to a point of Latitude 9° 19' 26" South, Longitude 142° 48' 18" East, thence north-easterly along the geodesic to a point of Latitude 9° 09' 06" South, Longitude 143° 47' 17" East, thence along the line formed by the arc of a circle, having a radius of three international nautical miles and drawn from the point of Latitude 9° 10' 28" South, Longitude 143° 49' 59" East, so as to pass to the north-west of Black Rocks, to its first point of intersection by, and thence along, the line formed by a series of arcs of circles having a radius of three international nautical miles and drawn successively from the following points:

SCHEDULE 1—continued

	<i>Latitude</i> (South)	<i>Longitude</i> (East)
(i)	9° 08' 40"	143° 52' 19"
(ii)	9° 08' 33"	143° 52' 22"
(iii)	9° 08' 26"	143° 52' 32"
(iv)	9° 08' 24"	143° 52' 41"
(v)	9° 08' 23"	143° 52' 48"
(vi)	9° 08' 24"	143° 52' 54"
(vii)	9° 08' 27"	143° 53' 06"
(viii)	9° 08' 32"	143° 53' 12"
(ix)	9° 08' 43"	143° 53' 19"
(x)	9° 08' 48"	143° 53' 19"
(xi)	9° 08' 52"	143° 53' 17"
(xii)	9° 09' 00"	143° 53' 13",

so as to pass successively to the north and east of Bramble Cay, to a point of Latitude 9° 10' 49" South, Longitude 143° 55' 38" East, thence south-easterly along the geodesic to a point of Latitude 9° 18' 44" South, Longitude 144° 06' 06" East, thence along the line formed by a series of arcs of circles having a radius of three international nautical miles and drawn successively from the following points:

	<i>Latitude</i> (South)	<i>Longitude</i> (East)
(i)	9° 21' 25"	144° 07' 28"
(ii)	9° 21' 25"	144° 07' 38"
(iii)	9° 21' 26"	144° 07' 44"
(iv)	9° 21' 29"	144° 07' 50"
(v)	9° 21' 31"	144° 07' 55"
(vi)	9° 21' 44"	144° 08' 24"
(vii)	9° 21' 45"	144° 08' 27"
(viii)	9° 21' 49"	144° 08' 33"
(ix)	9° 21' 54"	144° 08' 37",

so as to pass to the north of Anchor Cay, to its first point of intersection by, and thence along, the line formed by a series of arcs of circles having a radius of three international nautical miles and drawn successively from the following points:

	<i>Latitude</i> (South)	<i>Longitude</i> (East)
(i)	9° 23' 09"	144° 12' 43"
(ii)	9° 23' 02"	144° 12' 55"
(iii)	9° 23' 02"	144° 13' 23"
(iv)	9° 23' 04"	144° 13' 29"
(v)	9° 23' 06"	144° 13' 33"
(vi)	9° 23' 09"	144° 13' 40"
(vii)	9° 23' 13"	144° 13' 44"
(viii)	9° 23' 30"	144° 13' 59"
(ix)	9° 23' 40"	144° 14' 11"
(x)	9° 23' 44"	144° 14' 18"
(xi)	9° 23' 50"	144° 14' 25"
(xii)	9° 23' 59"	144° 14' 30",

so as to pass to the north of East Cay to a point of Latitude 9° 22' 04" South, Longitude 144° 16' 51" East, thence north-easterly along the geodesic to a point of Latitude 9° 00' 00" South, Longitude 144° 45' 00" East,".

SCHEDULE 2

Section 14

FORMAL AMENDMENTS OF THE PETROLEUM (SUBMERGED LANDS)
AMENDMENT ACT 1980

Provision amended	Amendment
Section 3	Omit "the sovereignty" (second occurring).
Section 8	(a) Omit from sub-section (6) of the new section that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> "Designated Authority", substitute "Joint Authority". (b) Omit from paragraph (7) (a) of the new section that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> "or of the Northern Territory".
Section 10	Omit from the new section 8F that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> "service on", substitute "service of".
Section 11	In paragraph (6) (b) of the new section 11 that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> , insert "the provisions of" after "extend to".
Section 23	Omit from the new sub-section that is proposed to be inserted in section 56 of the <i>Petroleum (Submerged Lands) Act 1967</i> "provision", substitute "condition".
Section 41	Omit from sub-section (5) of the new section 103A that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> "the Supreme Court of", substitute "the Supreme Court of, or having jurisdiction in,".
Section 53	Omit "the Second Schedule to this Act", substitute "Schedule 2".
Section 57	Omit from the new section 155 that is proposed to be inserted in the <i>Petroleum (Submerged Lands) Act 1967</i> "purported exercise of the power", substitute "purported exercise of a power".
Sub-section 63 (4)	Omit "with" (first occurring), substitute "for".
Schedule 1	(a) Omit from the second column the amendments to sub-paragraph 32 (3) (c) (ii) and substitute: "Omit 'the Designated Authority to consider', substitute 'to be considered'". (b) Omit from the item relating to section 83 "is not", substitute "are not". (c) At the end of the item relating to sub-section 85 (1) add "(second occurring)".
Schedule 2	Omit the item relating to paragraph 144 (3) (b).
Schedule 3	(a) Omit the item relating to section 60. (b) Omit from the item relating to section 112 "\$2,000", substitute "Two thousand dollars".
Schedule 4	Omit from sub-clause 4 (2) "permit", substitute "pipeline licence".

NOTES

1. No. 118, 1967, as amended. For previous amendments, see No. 1, 1968; No. 36, 1973; No. 216, 1973; No. 57, 1974; and No. 80, 1980.
2. No. 80, 1980.
3. No. 58, 1969, as amended. For previous amendments, see No. 216, 1973.