

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

**SEA INSTALLATIONS (MISCELLANEOUS AMENDMENTS) BILL
1987**

TABLE OF PROVISIONS

PART I—PRELIMINARY

Clause

1. Short title
2. Commencement

PART II—AMENDMENTS OF THE CUSTOMS ACT 1901

3. Principal Act
4. Interpretation
5. Attachment of overseas off-shore installations
6. Insertion of new section:
 - 5B. Installation of overseas sea installations
7. Collectors of Customs
8. Off-shore installations subject to the control of the Customs
9. Insertion of new section:
 - 33B. Sea installations subject to the control of the Customs
10. Ships and aircraft deemed to be imported
11. Ships and aircraft to enter ports or airports
12. Insertion of new section:
 - 58A. Direct journeys between sea installations and external places prohibited
13. Ships and aircraft to obey signals
14. Facility for boarding
15. Power to board and search
16. Power to question passengers etc.
17. Forfeited off-shore installations
18. Insertion of new section:
 - 228B. Forfeited sea installations
19. Transitional provisions

TABLE OF PROVISIONS—continued

Clause	PART III—AMENDMENTS OF THE EXCISE ACT 1901
20.	Principal Act
21.	Powers of officers in relation to off-shore installations
22.	Insertion of new section: 87B. Powers of officers in relation to sea installations
	PART IV—AMENDMENTS OF THE MIGRATION ACT 1958
23.	Principal Act
24.	Interpretation
25.	Certain off-shore installations to be part of Australia
26.	Insertion of new section: 5C. Certain sea installations to be part of Australia
27.	Persons entering Australia to be prohibited non-citizens in certain circumstances
28.	Duty of master etc. of vessel or installation which brought deportee to Australia to provide passage
29.	Production of identity documents by person in charge of off-shore installation
30.	Insertion of new section: 23B. Production of identity documents by person in charge of sea installation
31.	Custody of prohibited non-citizen during stay of aircraft in Australia
32.	Powers of entry and search
	PART V—AMENDMENTS OF THE QUARANTINE ACT 1908
33.	Principal Act
34.	Interpretation
35.	Certain off-shore installations to be part of Australia
36.	Insertion of new section: 16AAA. Certain sea installations to be part of Australia
37.	Certain goods deemed to be imported into Australia
38.	Persons and goods subject to quarantine
39.	Notification of outbreak of a disease
40.	Boarding of installations
41.	Grant of pratique to installations
42.	Order to perform quarantine
43.	Vessel or installation having a communicable disease on board
44.	Power to order goods in quarantine
45.	Liability of owner etc. for expenses of quarantine
46.	Cleansing and disinfection of insanitary vessels or installations
47.	Master, medical officer or agent misleading quarantine officer
48.	Regulations

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 2 April 1987

(Minister for Arts, Heritage and Environment)

A BILL

FOR

**An Act to apply the provisions of certain Acts to sea
installations, and for other purposes**

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

- 5 1. This Act may be cited as the *Sea Installations (Miscellaneous
Amendments) Act 1987*.

Commencement

- 10 2. This Act shall commence, or shall be deemed to have commenced,
as the case requires, on the commencement of the *Sea Installations Act
1987*.

PART II—AMENDMENTS OF THE CUSTOMS ACT 1901

Principal Act

3. The *Customs Act 1901*¹ is in this Part referred to as the Principal Act.

Interpretation

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4. Section 4 of the Principal Act is amended:

(a) by inserting before the definition of “Aircraft” in subsection (1) the following definition:

“‘Adjacent area’ has the same meaning as in the *Sea Installations Act*;”;

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(b) by omitting from subsection (1) the definition of “Australian installation” and substituting the following definition:

“‘Australian off-shore installation’ means an off-shore installation that is deemed to be part of Australia because of the operation of section 5 of the *Customs Tariff Act 1982*;”;

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(c) by omitting from subsection (1) the definition of “Australian waters” and substituting the following definitions:

“‘Australian sea installation’ means a sea installation that is deemed to be part of Australia because of the operation of section 9A of the *Customs Tariff Act 1982*;

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‘Australian waters’ means:

(a) in relation to an off-shore installation—waters above the Australian seabed; and

(b) in relation to a sea installation—waters comprising all of the adjacent areas and the coastal area;

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‘Brought into physical contact’ has the same meaning as in the *Sea Installations Act*;”;

(d) by inserting after the definition of “Carriage” in subsection (1) the following definition:

“‘Coastal area’ means:

30

(a) the area comprising the waters of:

(i) the territorial sea of Australia; and

(ii) the sea on the landward side of the territorial sea of Australia and not within the limits of a State or an internal Territory; or

35

(b) the area comprising the waters of:

(i) the territorial sea adjacent to a Territory, other than an internal Territory; and

(ii) the sea on the landward side of that territorial sea and not within the limits of a Territory;”;

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(e) by omitting “installation” from the definition of “Country” in subsection (1) and substituting “off-shore installation or an Australian sea installation”;

- (f) by inserting after the definition of "Duty" in subsection (1) the following definitions:

"'Environment related activity' has the same meaning as in the Sea Installations Act;

'External place' means:

- (a) a Territory other than an internal Territory; or
- (b) a foreign country;";

- (g) by omitting from subsection (1) the definition of "Installation" and substituting the following definition:

"'Installation' means:

- (a) an off-shore installation; or
- (b) a sea installation;";

- (h) by omitting from subsection (1) the definition of "Overseas installation" and substituting the following definitions:

"'Off-shore installation' means:

- (a) an off-shore industry fixed structure; or
- (b) an off-shore industry mobile unit;

'Overseas off-shore installation' means an off-shore installation that:

- (a) is in Australian waters; and
- (b) has been brought into Australian waters from a place outside the outer limits of Australian waters;

but does not include an Australian installation;

'Overseas sea installation' means a sea installation that:

- (a) is in an adjacent area or a coastal area; and
- (b) has been brought into the adjacent area or coastal area, as the case may be, from a place outside the outer limits of Australian waters;

but does not include an Australian sea installation;";

- (j) by inserting after the definition of "Package" in subsection (1) the following definition:

"'Permit', in relation to a sea installation, has the same meaning as in the Sea Installations Act;";

- (k) by inserting before the definition of "Ship" in subsection (1) the following definitions:

"'Sea installation' has the same meaning as in the Sea Installations Act;

'Sea Installations Act' means the *Sea Installations Act 1987*;";

- (m) by inserting in subsection (8) "off-shore" before "installation" (wherever occurring);

- (n) by inserting in subsection (9) "off-shore" before "installation" (first occurring);

(p) by inserting in subparagraph (9) (b) (i) "off-shore" after "another";
and

(q) by adding at the end the following subsections:

"(10) For the purposes of this Act, the space above or below a coastal area shall be deemed to be in that area. 5

"(11) Subject to subsection (13), for the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if:

(a) the installation is in, or is brought into, physical contact with a part of the seabed in the adjacent area; or

(b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the adjacent area because of paragraph (a). 10

"(12) For the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if the whole or part of the installation: 15

(a) is in that adjacent area on a particular day;

(b) has been in a particular locality:

(i) that is circular and has a radius of 20 nautical miles; and

(ii) the whole or part of which is in that adjacent area; 20
for longer than:

(iii) 30 consecutive days; or

(iv) 40 days in a period of 60 consecutive days; and

(c) has been in that adjacent area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a). 25

"(13) Where a sea installation, being a ship or an aircraft:

(a) is brought into physical contact with a part of the seabed in an adjacent area; or

(b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in an adjacent area; 30

for less than:

(c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or 35

(d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (11).

"(14) A sea installation shall not be taken to be installed in an adjacent area for the purposes of this Act unless it is to be taken to be so installed under this section. 40

“(15) Subject to subsection (17), for the purposes of this Act, a sea installation shall be taken to be installed in a coastal area if:

- (a) the installation is in, or is brought into, physical contact with a part of the seabed in the coastal area; or
- 5 (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the coastal area because of paragraph (a).

“(16) For the purposes of this Act, a sea installation (other than an installation installed in an adjacent area) shall be taken to be installed in a coastal area if the whole or part of the installation:

- (a) is in that coastal area on a particular day;
- (b) has been in a particular locality:
 - (i) that is circular and has a radius of 20 nautical miles; and
 - 15 (ii) the whole or part of which is in that coastal area; for longer than:
 - (iii) 30 consecutive days; or
 - (iv) 40 days in a period of 60 consecutive days; and
- 20 (c) has been in that coastal area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a).

“(17) Where a sea installation, being a ship or an aircraft:

- (a) is brought into physical contact with a part of the seabed in a coastal area; or
 - 25 (b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in a coastal area;
- for less than:
- 30 (c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or
 - (d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (15).

“(18) A sea installation shall not be taken to be installed in a coastal area for the purposes of this Act unless it is to be taken to be so installed under this section.”.

Attachment of overseas off-shore installations

5. Section 5A of the Principal Act is amended by inserting in subsections (1), (2) and (4) “off-shore” after “overseas”.

40 6. After section 5A of the Principal Act the following section is inserted in Part I:

Installation of overseas sea installations

“5B. (1) A person shall not, without the permission of the Comptroller given under subsection (2), cause an overseas sea installation to be installed in an adjacent area or in a coastal area.

Penalty: \$50,000. 5

“(2) The Comptroller may, by notice in writing given to a person who has applied for permission to cause an overseas sea installation to be installed in an adjacent area or in a coastal area, give the person permission, subject to such conditions (if any) as are specified in the notice, to cause that installation to be so installed. 10

“(3) A person who has been given permission under subsection (2) shall not refuse or fail to comply with any condition (including a condition imposed or varied under subsection (4)) to which that permission is subject.

Penalty: \$10,000.

“(4) Where the Comptroller has, under subsection (2), given a person permission to cause an overseas sea installation to be installed in an adjacent area or in a coastal area, the Comptroller may, at any time before that installation is so installed, by notice in writing served on the person: 15

- (a) revoke the permission;
- (b) revoke or vary a condition to which the permission is subject; or 20
- (c) impose new conditions to which the permission is to be subject.

“(5) Without limiting the generality of subsection (2), conditions to which a permission given under that subsection in relation to a sea installation may be subject include:

- (a) conditions relating to matters of quarantine; and 25
- (b) conditions requiring the holder of the permit to operate the sea installation granted under section 15 of the Sea Installations Act, or, if there is no such holder, the owner of the installation, to bring the installation to a place specified by the Comptroller for examination for quarantine purposes before the installation is installed 30
in an adjacent area or in a coastal area.”.

Collectors of Customs

7. Section 8 of the Principal Act is amended:

- (a) by inserting in paragraph (2) (a) “the adjacent area in respect of the State within the meaning of the Sea Installations Act and” 35
before “that part”;
- (b) by inserting in paragraph (2) (b) “the adjacent area in respect of Queensland within the meaning of the Sea Installations Act and”
before “that part”; and
- (c) by inserting in subsection (3) “the adjacent area in respect of the Northern Territory within the meaning of the Sea Installations Act and” before “that part”. 40

Off-shore installations subject to the control of the Customs

8. Section 33A of the Principal Act is amended:

- (a) by inserting in subsection (1) "off-shore" before "installation"; and
- (b) by inserting in subsections (2) and (4) "off-shore" after "Australian".

5 9. After section 33A of the Principal Act the following section is inserted:

Sea installations subject to the control of the Customs

"33B. (1) Except with permission in force under subsection (2), a person shall not use an Australian sea installation that is subject to the control of the Customs for environment related activities.

10 Penalty: \$50,000.

"(2) A Collector may give permission in writing to a person specified in the permission, subject to such conditions (if any) as are specified in the permission, to engage in specified activities in relation to the use of an Australian sea installation that is subject to the control of the Customs.

15 "(3) A person who has been given permission under subsection (2) shall not refuse or fail to comply with any condition (including a condition imposed or varied under subsection (4)) to which that permission is subject.

Penalty: \$10,000.

20 "(4) Where a Collector has, under subsection (2), given a person permission to engage in any activities in relation to an Australian sea installation, the Collector may, while that installation remains subject to the control of the Customs, by notice in writing served on the person:

- (a) suspend or revoke the permission;
- (b) revoke or vary a condition to which the permission is subject; or
- 25 (c) impose new conditions to which the permission is to be subject."

Ships and aircraft deemed to be imported

10. Section 49A of the Principal Act is amended by omitting from subsection (9) "installation" and substituting "off-shore installation or to an overseas sea installation".

30 **Ships and aircraft to enter ports or airports**

11. Section 58 of the Principal Act is amended by omitting from subsection (6) "installation" and substituting "off-shore installation or an Australian sea installation".

12. After section 58 of the Principal Act the following section is inserted:

35 **Direct journeys between sea installations and external places prohibited**

"58A. (1) For the purposes of this section, sea installations shall be deemed not to be a part of Australia.

“(2) Subject to subsection (6), where a person:

- (a) travels from an external place to a sea installation (whether or not in the course of a longer journey); and
- (b) has not been available for questioning in Australia for the purposes of this Act after leaving the place and before arriving at the installation; 5

then:

- (c) that person;
- (d) the holder of the permit for the installation; and
- (e) the owner and person in charge of a ship or aircraft on which the person travelled from the place to the installation; 10

are each guilty of an offence against this section.

“(3) Subject to subsection (6), where goods:

- (a) are brought from an external place to a sea installation (whether or not previously brought to that place from another place); and 15
- (b) have not been available for examination in Australia for the purposes of this Act after leaving the place and before arriving at the installation;

then:

- (c) the owner of the goods at the time of their arrival at the installation; 20
- (d) the holder of the permit for the installation; and
- (e) the owner and person in charge of a ship or aircraft on which the goods were transported from the place to the installation;

are each guilty of an offence against this section.

“(4) Subject to subsection (6), where a person: 25

- (a) travels from a sea installation to an external place (whether or not in the course of a longer journey); and
- (b) has not been available for questioning in Australia for the purposes of this Act after leaving the installation and before arriving in the place; 30

then:

- (c) that person;
- (d) the holder of the permit for the installation; and
- (e) the owner and person in charge of a ship or aircraft on which the person travelled from the installation to the place; 35

are each guilty of an offence against this section.

“(5) Subject to subsection (6), where goods:

- (a) are sent from a sea installation to an external place (whether or not the goods are sent on from that place); and
- (b) have not been available for examination in Australia for the purposes of this Act after leaving the installation and before arriving in the place; 40

then:

- (c) the person who sent the goods;
- (d) the holder of the permit for the installation; and
- (e) the owner and person in charge of a ship or aircraft on which the goods were transported from the installation to the place;

are each guilty of an offence against this section.

“(6) It is a defence to a charge of an offence against this section if it is established that the journey because of which the offence would have been committed:

- (a) was necessary to secure the safety of, or appeared to be the only way of averting a threat to, human life;
- (b) was necessary to secure, or appeared to be the only way of averting a threat to, the safety of a ship at sea, of an aircraft in flight or of a sea installation; or
- (c) was authorised in writing, by a Collector, and was carried out in accordance with the conditions (if any) specified in that authorisation.

“(7) Subsection (6) shall not be taken to limit by implication any defence that would, but for the subsection, be available to a person charged with an offence against this section.

“(8) For the purposes of this section:

- (a) a person shall not be taken to travel from or to an external place or a sea installation because only of having been in an aircraft flying over, or on a landing place in, the place or installation; and
- (b) goods shall not be taken to have been brought from, or sent to, an external place or a sea installation because only of being in an aircraft flying over, or on a landing place in, the place or installation.

Penalty:

- (a) if the offender is a natural person—\$10,000; or
- (b) if the offender is a body corporate—\$20,000.”.

Ships and aircraft to obey signals

13. Section 59 of the Principal Act is amended:

- (a) by omitting from paragraphs (1) (b) and (2) (b) “installation” and substituting “off-shore installation or an Australian sea installation”; and
- (b) by omitting from subparagraph (4) (b) (iii) “installation” and substituting “off-shore installation or an Australian sea installation”.

Facility for boarding

14. Section 61 of the Principal Act is amended by omitting “or the master of an installation” and substituting “the master of an off-shore installation, or the owner of a sea installation”.

Power to board and search

15. Section 187 of the Principal Act is amended:

- (a) by inserting in paragraph (b) "off-shore" after "Australian";
- (b) by inserting in paragraph (c) "off-shore" before "installation" (wherever occurring);
- (c) by omitting paragraphs (d) and (e) and substituting the following paragraphs:

"(d) board any Australian sea installation:

- (i) that is subject to the control of Customs;
- (ii) at which there is a ship or aircraft that has come to the installation from parts beyond the seas; or
- (iii) on which an officer has reasonable grounds to believe there are goods that are subject to the control of the Customs;

- (e) board a sea installation (other than an Australian sea installation) in respect of which permission under section 5B has been granted;
- (f) search any ship or aircraft or an installation of the kind referred to in paragraph (b), (c), (d) or (e); or
- (g) secure any goods on any ship or aircraft or on any installation of the kind referred to in paragraph (b), (c), (d) or (e)."

Power to question passengers etc.

16. Section 195 of the Principal Act is amended by omitting from paragraph (1) (a) "187 (b) or (c)" and substituting "187 (b), (c), (d) or (e)".

Forfeited off-shore installations

17. Section 228A of the Principal Act is amended by inserting "off-shore" after "overseas".

18. After section 228A of the Principal Act the following section is inserted:

Forfeited sea installations

"228B. Any overseas sea installation that becomes installed in an adjacent area or in a coastal area without the permission of the Comptroller given under subsection 5B (2) shall be forfeited to the Crown."

Transitional provisions

19. (1) Regulations made under subsection 50 (1) of the Principal Act before the commencement of this subsection and in force at the commencement of this subsection shall, so long as they continue in force, apply in relation to the doing of any act after the commencement of this subsection that would, because of the operation of section 9B or 9C of the *Customs Tariff Act 1982*, constitute an importation of goods into Australia.

(2) Regulations made under subsection 112 (1) of the Principal Act before the commencement of this subsection and in force at the commencement of this subsection shall, so long as they continue in force, apply in relation to the doing of any act after the commencement of this subsection that would, because of the operation of section 9D or 9E of the *Customs Tariff Act 1982*, constitute an exportation of goods from Australia.

PART III—AMENDMENTS OF THE EXCISE ACT 1901

Principal Act

20. The *Excise Act 1901*² is in this Part referred to as the Principal Act.

Powers of officers in relation to off-shore installations

21. Section 87A of the Principal Act is amended:

- (a) by inserting in subsection (1) “off-shore” after “Australian” (first occurring);
- 15 (b) by omitting from subsection (1) “Australian” (last occurring); and
- (c) by inserting in subsection (2) “off-shore” after “Australian”.

22. After section 87A of the Principal Act the following section is inserted:

Powers of officers in relation to sea installations

25 “87B. (1) An officer has, and may exercise, the same powers in relation to an Australian sea installation on which excisable goods are manufactured or produced as the officer would have if the installation were a factory.

“(2) In subsection (1), ‘Australian sea installation’ has the same meaning as in the *Customs Act 1901*.”.

PART IV—AMENDMENTS OF THE MIGRATION ACT 1958

Principal Act

23. The *Migration Act 1958*³ is in this Part referred to as the Principal Act.

Interpretation

30 24. Section 5 of the Principal Act is amended:

- (a) by inserting before the definition of “area in the vicinity of the Protected Zone” in subsection (1) the following definition:
 - “‘adjacent area’ has the same meaning as it has in the Sea Installations Act;”;
- 35 (b) by omitting from subsection (1) the definition of “Australian installation” and substituting the following definition:

- “‘Australian off-shore installation’ means an off-shore installation that is deemed to be part of Australia because of the operation of section 5B;”;
- (c) by omitting from subsection (1) the definition of “Australian waters” and substituting the following definitions: 5
- “‘Australian sea installation’ means a sea installation that is deemed to be part of Australia because of the operation of section 5C;
- ‘Australian waters’ means:
- (a) in relation to an off-shore installation—waters above the Australian seabed; and 10
- (b) in relation to a sea installation—waters comprising all of the adjacent areas and the coastal area;”;
- (d) by inserting after the definition of “authorised officer” in subsection (1) the following definitions: 15
- “‘brought into physical contact’ has the same meaning as in the Sea Installations Act;
- ‘coastal area’ has the same meaning as in the *Customs Act 1901*;”;
- (e) by inserting after the definition of “deportee” in subsection (1) the following definition: 20
- “‘environment related activity’ has the same meaning as in the Sea Installations Act;”;
- (f) by omitting from subsection (1) the definition of “installation” and substituting the following definition: 25
- “‘installation’ means:
- (a) an off-shore installation; or
- (b) a sea installation;”;
- (g) by inserting after the definition of “officer” in subsection (1) the following definition: 30
- “‘off-shore installation’ means:
- (a) an off-shore industry fixed structure; or
- (b) an off-shore industry mobile unit;”;
- (h) by omitting “or an Australian installation” from the definition of “port” in subsection (1) and substituting “, an Australian off-shore installation or an Australian sea installation”; 35
- (j) by inserting after the definition of “return endorsement” in subsection (1) the following definitions:
- “‘sea installation’ has the same meaning as in the Sea Installations Act; 40
- ‘Sea Installations Act’ means the *Sea Installations Act 1987*;”;
- (k) by inserting in subsection (2A) “off-shore” before “installation” (first occurring);
- (m) by inserting after subsection (2A) the following subsection:

“(2B) For the purposes of this Act, where a sea installation that has been brought into Australian waters from a place outside the outer limits of Australian waters is installed in an adjacent area or in a coastal area:

- (a) the installation shall be deemed to have entered Australia at the time that it becomes so installed; and
- (b) any person on board the installation at the time that it becomes so installed shall be deemed to have travelled to Australia on board that installation, to have entered Australia at that time and to have been brought into Australia at that time.”;

- (n) by inserting in subsection (10) “off-shore” before “installation” (wherever occurring);
- (p) by inserting in subsection (11) “off-shore” before “installation” (first occurring);
- (q) by inserting in subparagraph (11) (b) (i) “off-shore” after “another”; and
- (r) by adding at the end the following subsections:

“(12) Subject to subsection (14), for the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if:

- (a) the installation is in, or is brought into, physical contact with a part of the seabed in the adjacent area; or
- (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the adjacent area because of paragraph (a).

“(13) For the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if the whole or part of the installation:

- (a) is in that adjacent area on a particular day;
- (b) has been in a particular locality:
 - (i) that is circular and has a radius of 20 nautical miles; and
 - (ii) the whole or part of which is in that adjacent area; for longer than:
 - (iii) 30 consecutive days; or
 - (iv) 40 days in a period of 60 consecutive days; and
- (c) has been in that adjacent area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a).

“(14) Where a sea installation, being a ship or an aircraft:

- (a) is brought into physical contact with a part of the seabed in an adjacent area; or

(b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in an adjacent area;

for less than:

(c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or 5

(d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (12).

“(15) A sea installation shall not be taken to be installed in an adjacent area for the purposes of this Act unless it is to be taken to be so installed under this section. 10

“(16) Subject to subsection (18), for the purposes of this Act, a sea installation shall be taken to be installed in a coastal area if:

(a) the installation is in, or is brought into, physical contact with a part of the seabed in the coastal area; or 15

(b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the coastal area because of paragraph (a).

“(17) For the purposes of this Act, a sea installation (other than an installation installed in an adjacent area) shall be taken to be installed in a coastal area if the whole or part of the installation: 20

(a) is in that coastal area on a particular day;

(b) has been in a particular locality:

(i) that is circular and has a radius of 20 nautical miles; and 25

(ii) the whole or part of which is in that coastal area; for longer than:

(iii) 30 consecutive days; or

(iv) 40 days in a period of 60 consecutive days; and 30

(c) has been in that coastal area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a).

“(18) Where a sea installation, being a ship or an aircraft:

(a) is brought into physical contact with a part of the seabed in a coastal area; or 35

(b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in a coastal area;

for less than: 40

(c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or

(d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (16).

5 “(19) A sea installation shall not be taken to be installed in a coastal area for the purposes of this Act unless it is to be taken to be so installed under this section.”.

Certain off-shore installations to be part of Australia

25. Section 5B of the Principal Act is amended:

- 10 (a) by inserting in subsection (1) “off-shore” before “installation”;
(b) by inserting in subsection (2) “off-shore” before “installation” (first occurring); and
(c) by inserting in paragraph (2) (a) “off-shore” after “another”.

26. After section 5B of the Principal Act the following section is inserted in Part I:

Certain sea installations to be part of Australia

15 “5C. (1) For the purposes of this Act, a sea installation that:

- (a) becomes installed in an adjacent area or in a coastal area after the commencement of this subsection; or
(b) at the commencement of this subsection, is installed in an adjacent area or in a coastal area;

20 shall, subject to subsection (2), be deemed to be part of Australia and shall be deemed not to be a place outside Australia.

“(2) A sea installation that is deemed to be part of Australia because of the operation of this section shall, for the purposes of this Act, cease to be part of Australia if:

- 25 (a) the installation is detached from its location for the purpose of being taken to a place outside the outer limits of Australian waters; or
(b) after having been detached from its location otherwise than for the purpose referred to in paragraph (a), the installation is moved for
30 the purpose of being taken to a place outside the outer limits of Australian waters.”.

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

35 27. Section 16 of the Principal Act is amended by omitting from paragraph (4) (b) “installation” and substituting “off-shore installation or an Australian sea installation”.

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

40 28. Section 21 of the Principal Act is amended by omitting from subsection (3A) “subsection 5 (2A)” and substituting “subsection 5 (2A) or (2B)”.

Production of identity documents by person in charge of off-shore installation

29. Section 23A of the Principal Act is amended:

- (a) by inserting "off-shore" before "installation" (first occurring); and
- (b) by inserting in paragraph (c) "off-shore" after "another".

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30. After section 23A of the Principal Act the following section is inserted:

Production of identity documents by person in charge of sea installation

"23B. The person in charge of a sea installation that has been brought into Australian waters from a place outside the outer limits of Australian waters for the purpose of being installed in an adjacent area or in a coastal area:

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- (a) shall, upon the arrival of the installation at its proposed location, have in his or her possession an identity document in respect of each person on board the structure;
- (b) shall, upon the arrival of the installation at its proposed location, if so required by an officer, produce to the officer the identity documents referred to in paragraph (a);
- (c) shall, before the installation is detached from its location for the purpose of being taken to a place outside the outer limits of Australian waters, if so required by an officer, produce an identity document in respect of each person who is on board the installation at the time that it is to be so detached; and
- (d) shall not, where a requirement has been made of him or her under paragraph (c), cause the installation to depart from its former location unless the requirement has been complied with.

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Penalty: \$500."

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

31. Section 36A of the Principal Act is amended by omitting subsection (9) and substituting the following subsection:

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"(9) A reference in this section to a proclaimed airport includes a reference to an Australian off-shore installation and to an Australian sea installation."

Powers of entry and search

32. Section 37 of the Principal Act is amended by omitting subsection (2A) and substituting the following subsection:

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"(2A) A reference in subsection (1) or (2) to a vessel includes a reference to an Australian off-shore installation and to an Australian sea installation."

PART V—AMENDMENTS OF THE QUARANTINE ACT 1908

Principal Act

33. The *Quarantine Act 1908*⁴ is in this Part referred to as the Principal Act.

5 **Interpretation**

34. Section 5 of the Principal Act is amended:

(a) by inserting before the definition of “Animal” in subsection (1) the following definition:

10 “‘Adjacent area’ has the same meaning as it has in the *Sea Installations Act*;”;

(b) by omitting from subsection (1) the definition of “Australian installation” and substituting the following definitions:

“‘Australian installation’ means:

15 (a) an Australian off-shore installation; or

(b) an Australian sea installation;

‘Australian off-shore installation’ means an installation that is deemed to be part of Australia because of the operation of section 16AA;”;

20 (c) by inserting after the definition of “Australian seabed” in subsection (1) the following definition:

“‘Australian sea installation’ means a sea installation that is deemed to be part of Australia because of the operation of section 16AAA;”;

25 (d) by omitting from subsection (1) the definition of “Australian waters” and substituting the following definitions:

“‘Australian waters’ means:

30 (a) in relation to an off-shore installation—waters above the Australian seabed; and

(b) in relation to a sea installation—waters comprising all of the adjacent areas and the coastal area;”;

(e) by inserting after the definition of “Authorised person” in subsection (1) the following definition:

35 “‘Brought into physical contact’ has the same meaning as in the *Sea Installations Act*;”;

(f) by inserting after the definition of “Chief Quarantine Officer” in subsection (1) the following definition:

“‘Coastal area’ has the same meaning as in the *Customs Act 1901*;”;

40 (g) by inserting before the definition of “Examine” in subsection (1) the following definition:

“‘Environment related activity’ has the same meaning as in the *Sea Installations Act*;”;

(h) by omitting from subsection (1) the definition of "Installation" and substituting the following definition:

"'Installation' means:

- (a) an off-shore installation; or
- (b) a sea installation;";

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(j) by omitting from subsection (1) the definition of "Overseas installation" and substituting the following definitions:

"'Off-shore installation' means:

- (a) an off-shore industry fixed structure; or
- (b) an off-shore industry mobile unit;

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'Overseas installation' means:

- (a) an overseas off-shore installation; or
- (b) an overseas sea installation;

'Overseas off-shore installation' means an off-shore installation that:

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- (a) is in Australian waters; and
- (b) has been brought into Australian waters from a place (including a place at sea) outside the outer limits of Australian waters for the purpose of becoming attached to the Australian seabed;

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but does not include an Australian off-shore installation;

'Overseas sea installation' means a sea installation that:

- (a) is in an adjacent area or a coastal area;
- (b) has been brought into the adjacent area or coastal area, as the case may be, from a place outside the outer limits of Australian waters;

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but does not include an Australian sea installation;";

(k) by inserting after the definition of "Quarantine officer" in subsection (1) the following definitions:

"'Sea installation' has the same meaning as in the Sea Installations Act;

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'Sea Installations Act' means the *Sea Installations Act 1987*;";

(m) by inserting in subsection (6) "off-shore" before "installation" (wherever occurring);

(n) by inserting in subsection (7) "off-shore" before "installation" (first occurring);

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(p) by inserting in subparagraph (7)(b)(i) "off-shore" after "another"; and

(q) by inserting after subsection (7) the following subsections:

"(7A) Subject to subsection (7C), for the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if:

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- (a) the installation is in, or is brought into, physical contact with a part of the seabed in the adjacent area; or

- (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the adjacent area because of paragraph (a).

5 “(7B) For the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if the whole or part of the installation:

- (a) is in that adjacent area on a particular day;
- (b) has been in a particular locality:
 - 10 (i) that is circular and has a radius of 20 nautical miles; and
 - (ii) the whole or part of which is in that adjacent area; for longer than:
 - (iii) 30 consecutive days; or
 - (iv) 40 days in a period of 60 consecutive days; and
- 15 (c) has been in that adjacent area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a).

“(7C) Where a sea installation, being a ship or an aircraft:

- 20 (a) is brought into physical contact with a part of the seabed in an adjacent area; or
- (b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in an adjacent area;

for less than:

- 25 (c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or
- (d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (7A).

30 “(7D) A sea installation shall not be taken to be installed in an adjacent area for the purposes of this Act unless it is to be taken to be so installed under this section.

“(7E) Subject to subsection (7G), for the purposes of this Act, a sea installation shall be taken to be installed in a coastal area if:

- 35 (a) the installation is in, or is brought into, physical contact with a part of the seabed in the coastal area; or
- (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the coastal area because of paragraph (a).

40 “(7F) For the purposes of this Act, a sea installation (other than an installation installed in an adjacent area) shall be taken to be installed in a coastal area if the whole or part of the installation:

- (a) is in that coastal area on a particular day;
- (b) has been in a particular locality:
 - (i) that is circular and has a radius of 20 nautical miles; and
 - (ii) the whole or part of which is in that coastal area; 5
 for longer than:
 - (iii) 30 consecutive days; or
 - (iv) 40 days in a period of 60 consecutive days; and
- (c) has been in that coastal area or that locality at any time within the 60 days immediately before the day referred to in paragraph (a). 10

“(7G) Where a sea installation, being a ship or an aircraft:

- (a) is brought into physical contact with a part of the seabed in a coastal area; or
- (b) is in or is brought into, physical contact with another sea installation that is to be taken to be installed in a coastal area; 15

for less than:

- (c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or 20
- (d) in any other case—5 days;

it shall not be taken to be installed in that adjacent area under subsection (7E).

“(7H) A sea installation shall not be taken to be installed in a coastal area for the purposes of this Act unless it is to be taken to be so installed under this section.” 25

Certain off-shore installations to be part of Australia

35. Section 16AA of the Principal Act is amended:

- (a) by inserting in paragraph (1) (a) “off-shore” after “overseas”;
- (b) by inserting in subsection (2) “off-shore” before “installation” (first occurring); 30
- (c) by inserting in paragraph (2) (a) “off-shore” after “overseas”;
- (d) by inserting in subsection (3) “off-shore” before “installation” (first occurring); and
- (e) by inserting in paragraph (3) (a) “off-shore” after “another”. 35

36 After section 16AA of the Principal Act the following section is inserted:

Certain sea installations to be part of Australia

“16AAA. (1) For the purposes of this Act, where:

- (a) an overseas sea installation has been installed in an adjacent area or in a coastal area; and 40

- (b) pratique has been granted to the installation or the installation has been released from quarantine;

the installation shall, subject to subsection (3), be deemed to be part of Australia.

5 “(2) For the purposes of this Act, a sea installation that:

- (a) not being an overseas sea installation, becomes installed in an adjacent area or in a coastal area after the commencement of this subsection; or

- 10 (b) is installed in an adjacent area or in a coastal area at the commencement of this subsection;

shall, subject to subsection (3), be deemed to be part of Australia.

“(3) A sea installation that is deemed to be part of Australia because of the operation of this section, shall, for the purposes of this Act, cease to be part of Australia if:

- 15 (a) the installation is detached from its location for the purpose of being taken to a place outside the outer limits of Australian waters; or

- 20 (b) after having been detached from its location otherwise than for the purpose referred to in paragraph (a), the installation is moved for the purpose of being taken to a place outside the outer limits of Australian waters.”.

Certain goods deemed to be imported into Australia

37. Section 16AB of the Principal Act is amended:

- (a) by inserting in subsection (1) “off-shore” after “overseas”; and
- 25 (b) by inserting after subsection (1) the following subsection:

“(1A) For the purposes of this Act, where an overseas sea installation is installed in an adjacent area or in a coastal area, any goods, animals or plants that are on board the installation at the time when it becomes so installed, not being goods, animals or plants that have been brought to the installation from a place in Australia, shall be deemed to be imported into Australia at that time.”.

Persons and goods subject to quarantine

38. Section 18 of the Principal Act is amended:

- (a) by omitting from paragraph (2) (c) “and”;
- 35 (b) by inserting in paragraph (2) (d) “off-shore” before “installation” (first and second occurring); and
- (c) by adding at the end of subsection (2) the following word and paragraph:

40 “; and (e) All animals which are on board an Australian sea installation or a sea installation that is in Australian waters for the purpose of being installed in an adjacent

area or in a coastal area, being animals which arrive at the installation otherwise than on board a vessel.”.

Notification of outbreak of a disease

39. Section 22 of the Principal Act is amended by omitting subsection (1A) and substituting the following subsection: 5

“(1A) A reference in subsection (1) to a vessel includes a reference to:

(a) an Australian off-shore installation or an off-shore installation that is in Australian waters for the purpose of becoming attached to the Australian seabed; or

(b) an Australian sea installation or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.”. 10

Boarding of installations

40. Section 25A of the Principal Act is amended:

(a) by inserting “off-shore” before “installation” (first and second occurring); 15

(b) by omitting the penalty set out at the foot of the section; and

(c) by adding at the end the following subsection and penalty:

“(2) The master of an Australian sea installation or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area shall, upon being so required by a quarantine officer, permit the quarantine officer to go on board the installation and shall, by all reasonable means, facilitate the boarding of the installation by the quarantine officer. 20

Penalty: \$5,000 or imprisonment for 2 years, or both.”. 25

Grant of pratique to installations

41. Section 33A of the Principal Act is amended by omitting from subsection (2) “the installation is attached to the Australian seabed” and substituting the following:

“the installation is: 30

(a) if the installation is an overseas off-shore installation—attached to the Australian seabed; or

(b) if the installation is an overseas sea installation—installed in an adjacent area or in a coastal area.”.

Order to perform quarantine 35

42. Section 35 of the Principal Act is amended:

(a) by inserting in subsection (1) “off-shore” before “installation” (second occurring); and

(b) by inserting in subsection (1) “, sea installation that is in Australian waters for the purpose of being installed in an adjacent area or in a coastal area” after “seabed”. 40

Vessel or installation having a communicable disease on board

43. Section 35A of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

“(6) A reference in this section to a vessel includes a reference to:

- (a) an Australian off-shore installation or an off-shore installation that is in Australian waters for the purpose of becoming attached to the Australian seabed; and
- (b) an Australian sea installation or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.”.

Power to order goods into quarantine

44. Section 55A of the Principal Act is amended by omitting subparagraphs (2) (b) (i) and (ii) and substituting the following subparagraphs:

- (i) an overseas vessel;
- (ii) an overseas installation;
- (iii) an Australian vessel subject to quarantine;
- (iv) a Cocos Islands vessel subject to quarantine;
- (v) an Australian off-shore installation, or an off-shore installation that is in Australian waters for the purpose of becoming attached to the Australian seabed, subject to quarantine; or
- (vi) an Australian sea installation, or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area, subject to quarantine.”.

Liability of owner etc. for expenses of quarantine

45. Section 59 of the Principal Act is amended by inserting after paragraph (2) (aa) the following paragraphs:

- “(ab) between Australian ports and Australian off-shore installations;
- (ac) between Australian ports and Australian sea installations;”.

Cleansing and disinfection of insanitary vessels or installations

46. Section 78A of the Principal Act is amended:

- (a) by inserting in subsection (4) “off-shore” before “installation” (first and second occurring); and
- (b) by adding at the end the following subsection:

“(5) A quarantine officer may, subject to the regulations, order any Australian sea installation, or any sea installation which is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area, which is, in the opinion of the officer, in an insanitary condition favourable to the spread of communicable disease, to be cleansed, fumigated, disinfected or treated to the satisfaction of the officer, and the master of the

installation shall cause the installation to be cleansed, fumigated, disinfected or treated accordingly.

Penalty: \$20,000 or imprisonment for 10 years, or both.”

Master, medical officer or agent misleading quarantine officer

47. Section 83 of the Principal Act is amended: 5

(a) by omitting “or an installation” and substituting “, an off-shore installation”; and

(b) by inserting “or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area” after “seabed”. 10

Regulations

48. Section 87 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

“(4) A reference in this section to a vessel includes a reference to:

(a) an Australian off-shore installation or an off-shore installation that is in Australian waters for the purposes of becoming attached to the Australian seabed; and 15

(b) an Australian sea installation or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.” 20

NOTES

1. No. 6, 1901, as amended. For previous amendments, see No. 21, 1906; Nos. 9 and 36, 1910; No. 9, 1914; No. 10, 1916; No. 41, 1920; No. 19, 1922; No. 12, 1923; No. 22, 1925; No. 6, 1930; Nos. 7 and 45, 1934; No. 7, 1935; No. 85, 1936; No. 54, 1947; No. 45, 1949; Nos. 56 and 80, 1950; No. 56, 1951; No. 108, 1952; No. 47, 1953; No. 66, 1954; No. 37, 1957; No. 54, 1959; Nos. 42 and 111, 1960; No. 48, 1963; Nos. 29, 82 and 133, 1965; No. 28, 1966; No. 54, 1967; Nos. 14 and 104, 1968; Nos. 12 and 134, 1971; No. 162, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 28 and 120, 1974; Nos. 56, 77 and 107, 1975; Nos. 41, 91 and 174, 1976; No. 154, 1977; Nos. 36 and 183, 1978; Nos. 92, 116, 177 and 180, 1979; Nos. 13, 15 and 110, 1980; Nos. 45, 64, 67, 152 and 157, 1981; Nos. 48, 51, 80, 108, 115 and 137, 1982; No. 81, 1982 (as amended by No. 39, 1983); Nos. 19, 39 and 101, 1983; Nos. 2, 22, 63, 72 and 165, 1984; Nos. 39 and 175, 1985; No. 40, 1985 (as amended by No. 34, 1986); and Nos. 10, 34 and 149, 1986.

2. No. 9, 1901, as amended. For previous amendments, see No. 26, 1918; No. 8, 1923; No. 44, 1934; No. 16, 1942; No. 88, 1947; No. 46, 1949; No. 55, 1952; No. 10, 1957; No. 49, 1958; No. 37, 1962; No. 49, 1963; No. 139, 1965; No. 93, 1966; Nos. 15 and 105, 1968; No. 23, 1972; Nos. 24 and 145, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 29, 1974; No. 91, 1976; No. 110, 1978; Nos. 11 and 50, 1979; No. 42, 1980; Nos. 61 and 65, 1981; Nos. 51, 80 and 108, 1982; No. 81, 1982 (as amended by No. 39, 1983); Nos. 39 and 101, 1983; Nos. 72 and 165, 1984; Nos. 39 and 175, 1985; No. 40, 1985 (as amended by No. 34, 1986); and Nos. 10, 34 and 149, 1986.

NOTES—continued

3. No. 62, 1958, as amended. For previous amendments, see No. 87, 1964; No. 10, 1966; Nos. 16 and 216, 1973; Nos. 37 and 91, 1976; Nos. 117 and 118, 1979; Nos. 89 and 175, 1980; No. 61, 1981; No. 51, 1982; Nos. 73 and 112, 1983; Nos. 22, 72 and 123, 1984; and Nos. 71, 102 and 168, 1986.
4. No. 3, 1908, as amended. For previous amendments, see No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 80, 1950; No. 61, 1961; No. 12, 1966; No. 1, 1969; No. 216, 1973; No. 37, 1976; Nos. 1, 105 and 155, 1979; No. 70, 1980; No. 54, 1981; No. 51, 1982; No. 84, 1983; Nos. 19, 22 and 165, 1984; and No. 2, 1985.

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