



Sea Installations Act 1987

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About this compilation

This compilation

This is a compilation of the *Sea Installations Act 1987* that shows the text of the law as amended and in force on 21 October 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to certain installations in the sea

Part I—Preliminary

1 Short title

This Act may be cited as the *Sea Installations Act 1987*.

2 Commencement

- (1) The provisions of Part I shall be deemed to have come into operation on 15 October 1987.
- (2) The remaining provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

3 Objects of Act

The objects of this Act are:

- (a) to ensure that sea installations installed in adjacent areas are operated with regard to the safety of the people using them and of the people, ships and aircraft near them; and
- (b) to apply appropriate laws in relation to such sea installations.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

adjacent area means an adjacent area in respect of a State or affected Territory ascertained in accordance with section 5 and, in relation to a State or affected Territory, means the adjacent area in respect of that State or Territory.

affected Territory means a Territory other than:

- (a) the Australian Capital Territory; or
- (b) the Jervis Bay Territory.

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aircraft means a machine or apparatus that can derive support in the atmosphere from the reactions from the air or from buoyancy.

brought into physical contact, in relation to a sea installation in relation to the seabed, has the meaning given by subsection 6(5).

construct, in relation to a sea installation, includes assemble and fit out.

continental shelf has the same meaning as in the Petroleum Act.

environment includes all aspects of the surroundings of a natural person, whether affecting the person as an individual or in the person's social groupings.

environment related activity means any activity relating to:

- (a) tourism or recreation;
- (b) the carrying on of a business;
- (c) exploring, exploiting or using the living resources of the sea, of the seabed or of the subsoil of the seabed, whether by way of fishing, pearling, oyster farming, fish farming or otherwise;
- (d) marine archaeology; or
- (e) a prescribed purpose;

and includes a scientific activity and a transport activity.

excluded dumping vessel means any vessel that is engaged in a sea voyage or in any activity at sea relating solely to the dumping at sea or to the incineration at sea of waste or other matter which the vessel is authorised to dump or incinerate under the *Environment Protection (Sea Dumping) Act 1981*.

excluded fishing installation means:

- (a) a licensed fishing boat that is being used solely for commercial fishing purposes;
- (b) a fish aggregating device that is being used solely for commercial fishing purposes;

- (c) a mariculture platform that is being used solely for the purpose of rearing and harvesting fish, crustaceans or molluscs; or
- (d) fishing equipment.

excluded pearling vessel means any vessel that is licensed under the law of a State or Territory to carry out pearling operations and that is being used solely for the purpose of carrying out those operations.

excluded wreck means:

- (a) an historic shipwreck, or an historic relic, within the meaning of the *Historic Shipwrecks Act 1976*; or
- (b) a wreck described in paragraph 238(1)(b) of the *Navigation Act 2012*.

exclusive economic zone means the exclusive economic zone, within the meaning of the *Seas and Submerged Lands Act 1973*, adjacent to the coast of Australia or the coast of an external Territory.

fish aggregating device means:

- (a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or
- (b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;

but does not include a net, trap or other equipment for taking, catching or capturing fish.

fishing equipment means equipment for taking fish, crustaceans or molluscs or for holding living fish, crustaceans or molluscs for a temporary purpose, being equipment that is:

- (a) licensed or registered under a law of the Commonwealth or of a State with respect to fisheries; or

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(b) used from or placed into the sea from a licensed fishing boat.

floating, in relation to a structure, includes moving through or under waters.

inspector means a person appointed under section 60 to be an inspector for the purposes of this Act.

installed in an adjacent area, in relation to a sea installation, has the meaning given by section 6.

issue, in relation to a licence, includes grant and give.

law of the Commonwealth does not include a law of a State or Territory applying in relation to sea installations by virtue of section 46, 47 or 48.

licence includes a permit, an authority and permission.

licensed fishing boat means a floating craft of any description in respect of which a licence under a law of the Commonwealth or of a State or Territory with respect to fisheries is in force authorising its use for the taking of fish, crustaceans or molluscs.

mariculture platform means a fixed or movable floating installation that is placed in the sea to enclose a population of fish, crustaceans or molluscs so that they are able to be reared and harvested.

matter includes act, omission, circumstance and thing.

natural mineral resources means the minerals (including petroleum) and other non-living resources of the seabed and its subsoil.

operating agreement, in relation to a sea installation, means an agreement between the owner of the installation and another person under which the other person, or the owner and the other person, may determine the activities for which the installation is used.

operator, in relation to a sea installation, means a person who is not the owner of the installation and who has entered into an operating agreement with the owner of the installation.

petroleum has the same meaning as in the Petroleum Act.

Petroleum Act means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

resources industry fixed structure has the meaning given by subsection (2).

resources industry mobile unit has the meaning given by subsection (3).

scientific activity means an activity relating to scientific research.

sea installation means:

- (a) any man-made structure that, when in, or brought into, physical contact with the seabed or when floating, can be used for an environment related activity;
- (b) any partly constructed structure that, when completed, is intended to be, or could be, a structure referred to in paragraph (a); or
- (c) the remains of a structure that has been a structure referred to in paragraph (a) or (b);

but does not include:

- (d) a cargo ship;
- (e) an excluded dumping vessel;
- (f) an excluded fishing installation;
- (g) an excluded pearling vessel;
- (h) an excluded wreck;
- (j) a navigational aid placed in the sea or on the seabed in accordance with the law of the Commonwealth, a State or a Territory;
- (k) a resources industry fixed structure;
- (m) a resources industry mobile unit;
- (n) a structure relating to the defence of Australia;

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- (p) a submarine cable installation;
- (q) a structure belonging to the naval, military or air forces of a foreign country; or
- (qa) any pipeline in respect of which a pipeline licence is required to be issued under the Petroleum Act;
- (r) a prescribed structure or a structure in a class of prescribed structures.

ship means a vessel designed for use in navigation by water.

structure includes a ship, an aircraft and any other vessel.

submarine cable installation means:

- (a) a cable that has been laid on the seabed to permit telecommunications between a place in Australia and a place outside Australia; or
- (b) a vessel having the function of installing or servicing such a cable while that vessel is engaged in any activity relating to that function.

transport activity means:

- (a) the mooring of ships or aircraft; or
- (b) the landing of aircraft.

work, in relation to a sea installation, includes work in relation to installing or constructing the installation.

- (2) A reference in this Act to a resources industry fixed structure is a reference to a structure (including a pipeline) that:
 - (a) is not able to move or be moved as an entity from one place to another; and
 - (b) is, or is to be, used off-shore wholly or principally in, or in any operations or activities associated with, or incidental to, exploring or exploiting natural mineral resources.
- (3) A reference in this Act to a resources industry mobile unit is a reference to:
 - (a) a vessel that is, or is to be, used wholly in:

- (i) exploring or exploiting natural mineral resources by drilling the seabed or its subsoil with equipment on, or forming part of, the vessel or by obtaining substantial quantities of material from the seabed or its subsoil with equipment of that kind; or
 - (ii) operations or activities associated with, or incidental to, activities of the kind referred to in subparagraph (i); or
- (b) a structure (not being a vessel) that:
- (i) is able to float or be floated;
 - (ii) is able to move or be moved as an entity from one place to another; and
 - (iii) is, or is to be, used off-shore wholly or principally in:
 - (A) exploring or exploiting natural mineral resources by drilling the seabed or its subsoil with equipment on, or forming part of, the structure or by obtaining substantial quantities of material from the seabed or its subsoil with equipment of that kind; or
 - (B) operations or activities associated with, or incidental to, activities of the kind referred to in sub-subparagraph (A).
- (4) The reference in subparagraph (3)(a)(ii) to a vessel that is, or is to be, used wholly in operations or activities associated with, or incidental to, activities of the kind referred to in subparagraph (3)(a)(i) includes a reference to a vessel that is, or is to be, used wholly in manoeuvring a resources industry fixed structure or a resources industry mobile unit, or in operations relating to the attachment, within the meaning of the *Customs Act 1901*, of such a structure or unit to the Australian seabed.

5 Adjacent areas

- (1) For the purposes of this Act, but subject to subsection (2), the adjacent area in respect of a State or the Northern Territory is so much of the area described in Schedule 1 to the Petroleum Act

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under the heading that refers to that State or Territory as comprises waters of the sea that:

- (a) are outside the outer limits of the territorial sea of Australia; and
 - (b) are either:
 - (i) within the outer limits of the exclusive economic zone; or
 - (ii) outside those limits but within the outer limits of the continental shelf.
- (2) If at any time the breadth of the territorial sea of Australia is determined or declared to be greater than 3 nautical miles, subsection (1) continues to have effect as if the breadth of the territorial sea of Australia had continued to be 3 nautical miles.
- (3) 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 either:
- (a) within the outer limits of the exclusive economic zone; or
 - (b) outside those limits but 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.
- (4) The provisions of this Act other than subsection (3) 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 to the adjacent area in respect of a State shall, in relation to Queensland, be read as including references to the Coral Sea area.
- (5) For the purposes of this Act, the adjacent area in respect of the Territory of Ashmore and Cartier Islands is so much of the area described in Schedule 1 to the Petroleum Act under the heading that refers to that Territory as comprises waters of the sea that are either:
- (a) within the outer limits of the exclusive economic zone; or

- (b) outside those limits but within the limits of the continental shelf.
- (6) For the purposes of this Act, the adjacent area in respect of the Australian Antarctic Territory is the area adjacent to that Territory having as its inner limit the base lines by reference to which the territorial limits of that Territory are defined for the purposes of international law and as its outer limit the outer limits of the continental shelf.
- (7) For the purposes of this Act, the adjacent area in respect of an external Territory (other than the Australian Antarctic Territory, Coral Sea Islands Territory and the Territory of Ashmore and Cartier Islands) is the area comprising waters of the sea that are either:
 - (a) adjacent to the coast of that Territory and within the outer limits of the exclusive economic zone; or
 - (b) adjacent to the coast of that Territory and within the outer limits of the continental shelf.
- (8) For the purposes of subsections (3), (5), (6) and (7), the continental shelf does not include any area of seabed and subsoil that, under an agreement in force between Australia and another country, is not an area over which Australia exercises sovereign rights.
- (9) For the purposes of this Act, the space above or below an adjacent area shall be deemed to be in that area.

6 Installation of sea installations

- (1) Subject to subsection (3), 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 under paragraph (a).

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- (2) For the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area at a particular time if the whole or part of the installation:
- (a) is in that adjacent area at that time; and
 - (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:
- (iii) a continuous period of at least 30 days that immediately precedes that time; or
 - (iv) one or more periods, during the 60 days that immediately precede that time, that in sum amount to at least 40 days.
- (3) 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
 - (d) in any other case—14 days;
- it shall not be taken to be installed in that adjacent area under subsection (1).
- (4) 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 subsection (1) or (2).
- (5) For the purposes of this Act, a sea installation shall be taken to be brought into physical contact with a part of the seabed if the installation is connected with the part by a cable or other device.

7 Attachments to sea installations

- (1) Where:
 - (a) a sea installation is in, or is brought into, physical contact with another sea installation installed in an adjacent area; and
 - (b) the contact is not for the purpose of work on that other installation;the first-mentioned installation shall be taken to be part of that other installation.
- (2) For the purposes of this Act, a structure, other than a sea installation, attached to a sea installation shall be taken to be part of that installation.

8 Extension to external Territories

This Act extends to all the external Territories.

9 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

11 Application of Act

This Act applies to all natural persons, whether Australian citizens or not, and whether resident in the Commonwealth or an external Territory or not, and to all bodies corporate, whether incorporated or carrying on business in the Commonwealth or an external Territory or not.

12 Saving of other laws

This Act and the regulations shall be read as being in addition to, and not in derogation of or in substitution for, any other law of the Commonwealth or of an external Territory, whether passed or made before or after the commencement of this Act.

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13 Act to apply subject to international obligations

This Act has effect subject to the obligations of Australia under international law, including obligations under any agreement between Australia and any other country or countries.

13A Application of the *Criminal Code*

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part V—Application of laws and jurisdiction of courts in relation to sea installations

45 Application of Commonwealth Acts in adjacent areas

- (1) Subject to subsection (2), the provisions of the Acts specified in the Schedule apply, as provided by this section, in relation to sea installations installed, or being installed, in adjacent areas and so apply as if those areas were part of the Commonwealth.
- (2) The regulations may revoke the application, or the application in a specified adjacent area, of an Act, or part of an Act, specified in the Schedule.
- (3) Subject to this Act, the regulations may provide that a specified Act, or a specified part of a specified Act, applies, as provided by this section, in relation to sea installations installed, or being installed, in adjacent areas or specified adjacent areas and so applies as if those areas were part of the Commonwealth.
- (4) Without limiting the operation of subsections (1) and (3), an Act or part of an Act applying in relation to an adjacent area under those subsections, applies:
 - (a) in relation to:
 - (i) an act or omission that takes place on or in the vicinity of; and
 - (ii) a matter that exists or arises in relation to:
a sea installation installed, or being installed, in the adjacent area or a ship, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason relating to such a sea installation;
 - (b) in relation to a person who:
 - (i) is on such a sea installation;
 - (ii) is in the adjacent area for a reason of the kind referred to in paragraph (a); or

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- (iii) is on or in the vicinity of a ship, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of the kind referred to in paragraph (a); and
 - (c) in relation to a person in respect of the person carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).
- (5) This section does not limit the operation of any law apart from this section.

46 Application of laws in areas adjacent to States

- (1) Subject to this Act and the regulations, the laws, whether written or unwritten, in force in a State for the time being (other than laws of the Commonwealth) and any instrument having effect under any of those laws, apply, as provided by, and by force of, this section, in relation to sea installations installed, or being installed, in the adjacent area of the State and so apply as if that area were part of that State and of the Commonwealth.
- (2) The laws referred to in subsection (1) do not include laws that are substantive criminal laws, or laws of criminal investigation, procedure and evidence, within the meaning of Schedule 1 to the *Crimes at Sea Act 2000*, but nothing in this Act derogates from the operation of that Act.
- (3) A law shall be taken to be a law in force in a State notwithstanding that it applies to part only of the State.
- (4) Without limiting the operation of subsection (1), a law or instrument referred to in that subsection relating to a State applies:
 - (a) in relation to:
 - (i) an act or omission that takes place on or in the vicinity of; and
 - (ii) a matter that exists or arises in relation to; a sea installation installed, or being installed, in the adjacent area of the State or a ship, aircraft, structure or installation, or

- equipment or other property, that is in the adjacent area for any reason relating to such a sea installation;
- (b) in relation to a person who:
- (i) is on such a sea installation;
 - (ii) is in the adjacent area for a reason of the kind referred to in paragraph (a); or
 - (iii) is on or in the vicinity of a ship, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of the kind referred to in paragraph (a); and
- (c) in relation to a person in respect of the person carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).
- (5) This section does not:
- (a) give to a law of a State an operation, as law of the Commonwealth, that it would not have, as law of the State, if the adjacent area of the State were within so much of the part of the area described in Schedule 1 to the Petroleum Act under the heading that refers to that State as is on the landward side of the adjacent area;
 - (b) extend to the provisions of any law or instrument in so far as those provisions, as applied by this Act, would be inconsistent with this Act or another law of the Commonwealth;
 - (c) apply so as to impose any tax;
 - (d) apply so as to confer or purport to confer any part of the judicial power of the Commonwealth on a court, tribunal, authority or officer of a State; or
 - (e) apply so as to purport to confer on a court of a State any power that cannot, under the Constitution, be conferred by the Parliament on such a court.
- (6) This section does not limit the operation that any law or instrument has apart from this section.

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- (7) The regulations may provide that such of the provisions of a law or instrument referred to in subsection (1) as are specified in the regulations do not apply by reason of this section or so apply subject to such modifications as are specified in the regulations.
- (8) Notwithstanding anything in this section or in section 49, the regulations that may be made for the purposes of subsection (7) include regulations having the effect that provisions as modified by the regulations make provision for and in relation to investing a court of a State with federal jurisdiction.

47 Application of laws in areas adjacent to Territories

- (1) Subject to this Act, the laws, whether written or unwritten, in force in an affected Territory for the time being (other than laws of the Commonwealth), and any instrument having effect under any of those laws, apply, as provided by, and by force of, this section, in relation to all matters relating to sea installations installed, or being installed, in the adjacent area of the Territory and so apply as if that area were part of that Territory and, in the case of the Northern Territory, were part of the Commonwealth.
- (2) The laws referred to in subsection (1) do not include laws that are substantive criminal laws, or laws of criminal investigation, procedure and evidence, within the meaning of Schedule 1 to the *Crimes at Sea Act 2000*, but nothing in this Act derogates from the operation of that Act.
- (3) A law shall be taken to be a law in force in a Territory notwithstanding that it applies to part only of that Territory.
- (4) Without limiting the operation of subsection (1), a law or instrument referred to in that subsection relating to a Territory applies:
 - (a) in relation to:
 - (i) an act or omission that takes place on or in the vicinity of; and

- (ii) a matter that exists or arises in relation to;
a sea installation installed, or being installed, in the adjacent
area of the Territory or a ship, aircraft, structure or
installation, or equipment or other property, that is in the
adjacent area for any reason relating to such a sea
installation;
 - (b) in relation to a person who:
 - (i) is on such a sea installation;
 - (ii) is in the adjacent area for a reason of the kind referred to
in paragraph (a); or
 - (iii) is on or in the vicinity of a ship, aircraft, structure or
installation, or equipment or other property, that is in
the adjacent area for a reason of the kind referred to in
paragraph (a); and
 - (c) in relation to a person in respect of the person carrying on
any operation or doing any work in the adjacent area for a
reason of the kind referred to in paragraph (a).
- (5) This section does not:
- (a) give to a law of a Territory an operation, as law of the
Commonwealth, that it would not have, as law of the
Territory, if the adjacent area of the Territory were within so
much of the part of the area described in Schedule 1 of the
Petroleum Act under the heading that refers to that Territory
as is on the landward side of the adjacent area;
 - (b) extend to the provisions of any law or instrument in so far as
those provisions, as applied by this Act, would be
inconsistent with this Act or another law of the
Commonwealth;
 - (c) apply so as to impose any tax;
 - (d) apply so as to appropriate any public money of a Territory; or
 - (e) apply so as to confer or purport to confer any part of the
judicial power of the Commonwealth on a court, tribunal,
authority or officer of a Territory.
- (6) This section does not limit the operation that any law or instrument
has apart from this section.
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- (7) The regulations may provide that such of the provisions of a law or instrument referred to in subsection (1) as are specified in the regulations do not apply by reason of this section or so apply subject to such modifications as are specified in the regulations.

48 Installations and goods deemed to have been imported into certain external Territories

Where a sea installation becomes installed in the adjacent area in respect of Norfolk Island, of the Territory of Christmas Island or of the Territory of Cocos (Keeling) Islands, then, for the purpose only of any law in force in that Territory that relates to the importation of goods into that Territory or to the imposition of customs duties on goods that are so imported, the installation and goods on the installation at the time when the installation becomes so installed shall be deemed to have been imported into that Territory at the time when the installation becomes so installed.

49 Jurisdiction of courts

- (1) Except as otherwise prescribed, the several courts of a State are invested with federal jurisdiction in all matters arising under the laws and instruments having effect by virtue of section 46 in the adjacent area of the State.
- (2) Jurisdiction is conferred, so far as the Constitution permits, on the several courts having jurisdiction in an affected Territory in all matters arising under the laws and instruments having effect by virtue of section 47 or 48 in the adjacent area of the Territory.
- (3) Subject to this section:
- (a) the several courts of the States are vested with federal jurisdiction; and
 - (b) jurisdiction is conferred, so far as the Constitution permits, on the several courts of the affected Territories;
- with respect to matters arising under this Act or the regulations other than matters referred to in subsection (1) or (2).

- (4) Jurisdiction vested in or conferred on courts by this section is vested or conferred within the limits (other than limits having effect by reference to localities) of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

50 Rules of courts

Where a court of a State or of an affected Territory has jurisdiction because of this Act, the power of the court to make rules relating to the practice and procedure of the court may be exercised for the purposes of that jurisdiction.

Part VI—Offences and procedures relating to sea installations

51 Direct journeys between sea installations and external places prohibited

- (1) Subject to subsection (4), where a person makes a direct journey from an external place to a sea installation or from a sea installation to an external place:
 - (a) that person; and
 - (b) the owner of the installation; and
 - (c) the owner and person in charge of a ship or aircraft on which the person travelled in the course of that journey;each commit an offence against this section.
- (2) Subject to subsection (4), where goods are taken directly from an external place to a sea installation:
 - (a) the owner of the goods at the time of their arrival at the installation; and
 - (b) the owner of the installation; and
 - (c) the owner and person in charge of a ship or aircraft on which the goods were transported from the place to the installation;each commit an offence against this section.
- (3) Subject to subsection (4), where goods are taken directly from a sea installation to an external place:
 - (a) the person who caused the goods to be taken directly from that installation to that place; and
 - (b) the owner of the installation; and
 - (c) the owner and person in charge of a ship or aircraft on which the goods were transported from the installation to the place;each commit an offence against this section.

- (4) 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 the Minister and was carried out in accordance with the conditions (if any) specified in that authorisation.
- (5) Subsection (4) 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.
- (5A) Strict liability applies to paragraphs (1)(b) and (c), (2)(b) and (c) and (3)(b) and (c).
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) For the purposes of this section, a person shall be taken to have made a direct journey from an external place to a sea installation:
- (a) where the external place is an external place in relation to Australia and the installation is installed in the adjacent area in respect of a State or of the Northern Territory—if, and only if, the last place entered by the person in the course of travelling from the place to the installation is not a place in Australia;
 - (b) where the external place is an external place in relation to an uninhabited external Territory and the installation is installed in the adjacent area in respect of that Territory—if, and only if, the last place entered by the person in the course of travelling from the place to the installation is not a place in Australia; or
 - (c) where the external place is an external place in relation to an inhabited external Territory and the installation is installed in the adjacent area in respect of that Territory—if, and only if, the last place entered by the person in the course of travelling
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from the place to the installation is not a place in that Territory.

- (7) For the purposes of this section, a person shall be taken to have made a direct journey from a sea installation to an external place:
- (a) where the installation is installed in the adjacent area in respect of a State or of the Northern Territory and that external place is an external place in relation to Australia—if, and only if, the first place entered by the person in the course of travelling from the installation to the place is not a place in Australia;
 - (b) where the installation is installed in the adjacent area in respect of an uninhabited external Territory and the external place is an external place in relation to that Territory—if, and only if, the first place entered by the person in the course of travelling from the installation to the place is not a place in Australia; or
 - (c) where the installation is installed in the adjacent area in respect of an inhabited external Territory and the external place is an external place in relation to that Territory—if, and only if, the first place entered by the person in the course of travelling from the installation to the place is not a place in that Territory.
- (8) For the purposes of this section, goods shall be taken to have been taken directly from an external place to a sea installation:
- (a) where the external place is an external place in relation to Australia and the installation is installed in the adjacent area in respect of a State or of the Northern Territory—if, and only if, the last place those goods were taken in the course of being carried from the place to the installation was not a place in Australia;
 - (b) where the external place is an external place in relation to an uninhabited external Territory and the installation is installed in the adjacent area in respect of that Territory—if, and only if, the last place those goods were taken in the course of being carried from the place to the installation was not a place in Australia; or

- (c) where the external place is an external place in relation to an inhabited external Territory and the installation is installed in the adjacent area in respect of that Territory—if, and only if, the last place those goods were taken in the course of being carried from the place to the installation was not a place in that Territory.
- (9) For the purposes of this section, goods shall be taken to have been taken directly from a sea installation to an external place:
- (a) where the installation is installed in the adjacent area in respect of a State or of the Northern Territory and that external place is an external place in relation to Australia—if, and only if, the first place those goods were taken in the course of being carried from the installation to the place is not a place in Australia;
 - (b) where the installation is installed in the adjacent area in respect of an uninhabited external Territory and the external place is an external place in relation to that Territory—if, and only if, the first place those goods were taken in the course of being carried from the installation to the place is not a place in Australia; or
 - (c) where the installation is installed in the adjacent area in respect of an inhabited external Territory and the external place is an external place in relation to that Territory—if, and only if, the first place those goods were taken in the course of being carried from the installation to the place is not a place in that Territory.
- (10) 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 that flies over, or lands at, that 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 having been in an aircraft that flies over, or lands at, that place or installation.

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(11) In this section:

external place means:

- (a) in relation to Australia—an external Territory or a foreign country;
- (b) in relation to an uninhabited external Territory—another external Territory or a foreign country; or
- (c) in relation to an inhabited external Territory—Australia, another external Territory or a foreign country.

inhabited external Territory means Norfolk Island, the Territory of Christmas Island or the Territory of the Cocos (Keeling) Islands.

uninhabited external Territory means an external Territory other than an inhabited external Territory.

Penalty for a contravention of subsection (1), (2) or (3):

- (a) in the case of a natural person—500 penalty units; or
- (b) in the case of a body corporate—2,500 penalty units.

55 Directions for removal of sea installations etc.

- (1) The Minister may, by notice in writing served on the owner or operator of a sea installation, direct that owner or operator, as the case may be, to do either or both of the following things within a period specified in the notice and in a manner specified in the notice:
 - (a) to remove or cause to be removed from an adjacent area that installation and all or any property brought into that area by that person or any other person for the purpose of the installation of, the use of, or work on, that installation or to make arrangements that are satisfactory to the Minister with respect to that installation and property;
 - (b) to make good, to the satisfaction of the Minister, any damage to the seabed or subsoil in an adjacent area caused by that person or any other person in the installation of, the use of, or work on, that installation.

- (3) A person to whom a direction is given under subsection (1) shall comply with the direction.

Penalty for a contravention of this subsection:

- (a) in the case of a natural person—500 penalty units; or
- (b) in the case of a body corporate—2,500 penalty units.

57 Safety zones

- (1) Subject to subsection (2), for the purpose of protecting a sea installation installed, or being installed, in an adjacent area, the Minister may, by notice in writing published in the *Gazette*, prohibit:
- (a) all vessels;
 - (b) all vessels other than specified vessels; or
 - (c) all vessels other than specified classes of vessels;
- from entering or remaining in a specified safety zone surrounding the installation without the consent in writing of the Minister.
- (2) A safety zone specified in a notice may extend to a distance of 500 metres around the sea installation specified in the notice measured from each point of the outer edge of the installation.
- (3) Where a vessel enters or remains in a safety zone in contravention of the notice, the owner and the person in charge of the vessel each commit an offence against this section and are punishable, upon conviction, by:
- (a) in the case of a natural person—imprisonment for a term not exceeding 10 years or a fine not exceeding 1,000 penalty units, or both; or
 - (b) in the case of a body corporate—a fine not exceeding 5,000 penalty units.
- (3A) An offence under subsection (3) is an offence of strict liability.
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (4) It is a defence to a charge of an offence of entering or remaining in a safety zone if it is established that the entering or remaining:
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- (a) occurred because of factors beyond the control of the person charged;
- (b) was necessary to secure the safety of, or appeared to be the only way of averting a threat to, human life; or
- (c) was necessary to secure, or appeared to be the only way of averting a threat to, the safety of a ship at sea or of a sea installation.

59 Injunctions

- (1) Where, on the application of the Minister or of an interested person, a court having jurisdiction under section 49 is satisfied that a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute:

- (a) a contravention of this Act or of the regulations;
- (b) attempting such a contravention;
- (c) aiding, abetting, counselling or procuring such a contravention;
- (d) inducing, or attempting to induce, whether by threats, promises or otherwise, such a contravention;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, such a contravention by a person; or
- (f) conspiring with others to contravene this Act or the regulations;

the court may grant an injunction restraining the person from engaging in the conduct and, if in the opinion of the court it is desirable to do so, requiring that the person do any act or thing.

- (2) Where an application is made for an injunction under subsection (1), the court may, if the court determines it to be appropriate, grant an injunction by consent of all the parties to the proceedings, whether or not the court is satisfied that a person has engaged, or is proposing to engage, in conduct of a kind mentioned in subsection (1).

- (3) Where in the opinion of the court it is desirable to grant an interim injunction pending determination of an application under subsection (1), the court may do so.
- (4) Where the Minister makes an application to a court for the grant of an injunction under this section, the court shall not require the applicant or any other person, as a condition of granting an interim injunction, to give any undertakings as to damages.
- (5) The court may rescind or vary an injunction granted under subsection (1) or (3).
- (6) The power of the court to grant an injunction restraining a person from engaging in conduct may be exercised:
 - (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind;
 - (b) whether or not the person has previously engaged in conduct of that kind; and
 - (c) whether or not there is a serious and immediate threat of injury to the environment if the person engages in conduct of that kind.
- (7) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised:
 - (a) whether or not it appears to the court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing;
 - (b) whether or not the person has previously refused or failed to do that act or thing; and
 - (c) whether or not there is a serious and immediate threat of injury to the environment if the person refuses or fails to do that act or thing.
- (8) The reference in subsection (1) to an interested person, in relation to conduct referred to in that subsection, shall be read as a reference to:

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- (a) a person whose use or enjoyment of an adjacent area or of a part of an adjacent area is, or is likely to be, adversely affected by that conduct; or
 - (b) an organisation or association of persons, whether incorporated or not, the objects or purposes of which include, and activities of which relate to, the protection or conservation of an adjacent area or of a part of an adjacent area that is, or is likely to be, affected by that conduct.
- (9) Paragraph (8)(b) does not apply in relation to conduct undertaken:
- (a) before the organisation or association was formed;
 - (b) before the objects or purposes of the organisation or association included the matter concerned; or
 - (c) before the organisation or association engaged in activities related to the matter concerned.

Part VII—Administration

60 Appointment of inspectors

The Minister may, in writing, appoint:

- (a) a specified person; or
 - (b) persons in a specified class of persons;
- to be an inspector, or inspectors, for the purposes of this Act.

61 Identity cards

- (1) The Minister may cause to be issued to an inspector, other than a member of a police force, an identity card in a form approved by the Minister.
- (2) Where a person in possession of an identity card issued to the person ceases to be an inspector, the person shall forthwith return the identity card to the Minister.

Penalty: 1 penalty unit.

- (3) An offence under subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

62 Power of entry

- (1) Subject to subsections (2), (3) and (4), an inspector may board a sea installation, at any reasonable time during the day or night, for the purpose of ascertaining whether there has been or is a contravention of this Act or of the regulations and may:
 - (a) enter into and search any part of the installation;
 - (b) take on to the installation, and into any part of the installation, such equipment and materials as the inspector requires for the purpose of exercising his or her powers under this section;

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- (c) inspect, examine, take measurements of or conduct tests concerning any structure, plant, substance or other thing on the installation;
 - (d) take photographs, or make sketches, of the installation, any part of the installation or any structure, plant, substance or other thing on the installation;
 - (e) record any occurrences on the installation or in any part of the installation;
 - (f) inspect, take extracts from or make copies of any books, records or documents relating to the installation or activities undertaken on the installation; or
 - (g) direct that the installation, or any part of the installation, be left undisturbed for a specified period.
- (2) Subject to subsections (3) and (4), an inspector shall not board a sea installation under subsection (1) unless:
- (b) the operator of the installation has consented to the inspector boarding the installation;
 - (c) the inspector is authorised, under a warrant issued under subsection (4), to board the installation; or
 - (d) the inspector believes on reasonable grounds that there exists on the installation a state of affairs constituting a risk to human life or that serious damage to the installation or to the environment has occurred or is imminent.
- (3) Subject to subsection (4), an inspector shall not enter any part of a sea installation that is residential or sleeping quarters (however designated), unless:
- (a) the occupier of the quarters consents to the inspector entering those quarters;
 - (b) the inspector is authorised, under a warrant issued under subsection (4), to enter those quarters; or
 - (c) the inspector believes on reasonable grounds that entry into, and exercise of the powers of an inspector under paragraphs (1)(a) to (g) (inclusive) in respect of, the quarters will reveal a state of affairs constituting a risk to human life

or will reveal that serious damage to the installation or to the environment has occurred or is imminent.

- (4) If, on an application made by an inspector, a Magistrate is satisfied by information on oath, that it is reasonably necessary that the inspector should, for the purposes of exercising the powers of the inspector under paragraphs (1)(a) to (g) (inclusive) in relation to a sea installation or to a particular part of a sea installation, have access to an installation, or to that part of the installation, the Magistrate may issue a warrant authorising the inspector (whether or not named in the warrant), with such assistance, and by such force, as is necessary and reasonable:
- (a) to board the installation or enter that part of the installation, as the case may be; and
 - (b) to exercise those powers in relation to the sea installation or to that part of the sea installation.
- (5) Immediately upon boarding a sea installation under subsection (1), an inspector shall take all reasonable steps to notify the person in charge of the installation of the purpose for which the inspector has boarded the installation, and shall produce his or her identity card for inspection by the person upon being requested to do so.
- (6) There shall be stated in a warrant issued under subsection (4):
- (a) whether entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and
 - (b) a day, not being later than one month after the date of issue of the warrant, at the end of which the warrant ceases to have effect.
- (7) Where it is reasonably necessary for the purpose of inspecting, examining, taking measurements for or conducting tests concerning any structure, plant, substance or thing on a sea installation, an inspector may, in the exercise of his or her powers under paragraph (1)(c):
- (a) take possession of the structure, plant, substance or thing and remove it from the installation; or

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- (b) take a sample from the structure, plant, substance or thing and remove the sample from the installation.
- (8) Where, because of circumstances of urgency, it is necessary to do so, the inspector may make application by telephone to a Magistrate for the issue of a warrant under subsection (4).
- (9) Before making an application under subsection (8), an inspector shall prepare an information that sets out the grounds on which the issue of the warrant is being sought, but may, if it is necessary to do so, make the application before the information has been sworn.
- (10) Where a Magistrate issues a warrant under subsection (4) upon an application under subsection (8) by an inspector:
 - (a) the Magistrate shall:
 - (i) complete and sign the warrant;
 - (ii) inform the inspector of the terms of the warrant and the date on which and the time at which it was signed; and
 - (iii) record on the warrant the reasons for the issuing of the warrant on an application under subsection (8); and
 - (b) the inspector shall complete a form of warrant in terms furnished to the inspector by the Magistrate and write on it the name of the Magistrate and the date on which and the time at which it was signed.
- (11) Where an inspector completes a form of warrant in accordance with paragraph (10)(b), the inspector shall, not later than the day next following the day on which the warrant is to cease to have effect, send to the Magistrate who signed the warrant the form of the warrant completed by the inspector and the information duly sworn in connection with the warrant.
- (12) Upon receipt of the documents referred to in subsection (11), the Magistrate shall attach them to the warrant signed by the Magistrate and deal with the documents in the manner in which the Magistrate would have dealt with the information if the application for the warrant had been made under subsection (4).

- (13) A form of warrant duly completed in accordance with paragraph (10)(b) shall, if it is in accordance with the terms of the warrant issued by the Magistrate, be deemed to be a warrant issued under subsection (4).
- (14) A reference in this section to a contravention of this Act or of the regulations includes a reference to an offence against section 11.1, 11.2, 11.2A or 11.5 of the *Criminal Code* in relation to such a contravention.

63 Power to require information

- (1) An inspector may, by notice in writing given or sent by post to a person, require the person to give to the inspector, within such a period as specified in the notice, such information in relation to matters relevant to the operation of this Act as is specified in the notice, including information verified by statutory declaration.
- (2) A person shall not refuse or fail to provide information that is required to be provided under subsection (1).

Penalty:

- (a) in the case of a natural person—imprisonment for 12 months or 20 penalty units, or both; or
- (b) in the case of a body corporate—100 penalty units.
- (2A) Subsection (2) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2A). See subsection 13.3(3) of the *Criminal Code*.

- (3) A person is not excused from providing information that the person is required under subsection (1) to provide on the ground that the information might tend to incriminate the person, but any information so provided, and any information or thing (including any document) obtained as a direct or indirect consequence of the provision of the information, is not admissible in evidence against the person in criminal proceedings other than proceedings for an

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offence against subsection (2) or against Division 137 of the *Criminal Code* in its application to that information or thing.

65 Indictable offences

- (1) An offence against subsection 51(1), (2) or (3) or section 55 is an indictable offence.
- (2) An offence against this Act that is not an indictable offence is a summary offence.
- (3) Notwithstanding that an offence against this Act is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.
- (4) Where, in accordance with subsection (3), a court of summary jurisdiction convicts a person of an offence against this Act, the penalty that the court may impose is:
 - (a) if an offence is an offence against subsection 51(1), (2) or (3) or section 55:
 - (i) in the case of a natural person—a fine not exceeding 50 penalty units; or
 - (ii) in the case of a body corporate—a fine not exceeding 250 penalty units;
 - (b) if the offence is an offence against section 57:
 - (i) in the case of a natural person—imprisonment for a term not exceeding 2 years or a fine not exceeding 50 penalty units, or both; or
 - (ii) in the case of a body corporate—a fine not exceeding 250 penalty units.

66 Conduct by directors, employees or agents

- (1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body

corporate, it is sufficient to show that a director, employee or agent of the body corporate, being a director, employee or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

- (2) Any conduct engaged in on behalf of a body corporate:
- (a) by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the body, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent;

shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.

- (3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in respect of conduct deemed by subsection (4) to have been engaged in by the person, it is sufficient to show that an employee or agent of the person, being an employee or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

- (4) Conduct engaged in on behalf of a person other than a body corporate:
- (a) by an employee or agent of the person within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of an employee or agent of the first-mentioned person, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the employee or agent;
- shall be deemed, for the purposes of this Act, to have been engaged in by the first-mentioned person.

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- (5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.
- (6) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

Part IX—Miscellaneous**73 Recompense of expenses incurred by States etc.**

- (1) The Minister may enter into arrangements with a State or the Northern Territory for the payment by the Commonwealth to the State or Territory of money in relation to the administration of this Act.
- (2) Payments under arrangements referred to in subsection (1) shall be made out of money appropriated by the Parliament for the purpose.

74 Delegation

- (1) The Minister may, either generally or otherwise as provided in the instrument of delegation, in writing, delegate to:
 - (a) the holder of an office established by an Act;
 - (b) the holder of an office established by a law of a State or of a Territory;
 - (c) a person appointed or engaged under the *Public Service Act 1999*; or
 - (d) an officer or employee of the Public Service of a State or Territory; or
 - (e) a person, other than a person referred to in paragraph (c) or (d), who is employed by an authority or body established by a law of the Commonwealth, a State or a Territory;all or any of the functions or powers of the Minister under this Act, other than this power of delegation.

75 Application for review

- (1) Applications may be made to the Administrative Appeals Tribunal for review of any of the following:
 - (p) a decision of the Minister for the purposes of paragraph 51(4)(c);

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- (r) a decision of the Minister for the purposes of subsection 55(1);
 - (t) a decision of the inspector for the purposes of paragraph 62(1)(g);
 - (u) a decision of an inspector for the purposes of subsection 62(7).
- (2) In subsection (1), **decision** has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

76 Statement to accompany notice of decisions

- (1) Where the Minister or an inspector makes a decision of a kind referred to in subsection 75(1) and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that:
- (a) subject to the *Administrative Appeals Tribunal Act 1975*, application may be made by or on behalf of that person to the Administrative Appeals Tribunal for review of that decision; and
 - (b) except where subsection 28(4) of that Act applies, application may be made in accordance with section 28 of that Act by or on behalf of that person for a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.
- (2) Any contravention of subsection (1) in relation to a decision does not affect the validity of the decision.

77 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;
- and, in particular:
- (c) prohibiting or regulating activities on sea installations installed or being installed in an adjacent area;
 - (d) prescribing matters to ensure the safety of persons on such sea installations;
 - (e) prescribing procedures to be observed in emergencies on such sea installations;
 - (g) prescribing matters relating to ships travelling between such sea installations and other places;
 - (h) prohibiting or regulating trade or other activities in the vicinity of such sea installations; and
 - (j) prescribing penalties for contravention of the regulations not exceeding:
 - (i) in the case of a natural person—50 penalty units; or
 - (ii) in the case of a body corporate—250 penalty units.

Schedule—Acts applying in adjacent areas

Section 45

Age Discrimination Act 2004
Air Accidents (Commonwealth Government Liability) Act 1963
Air Navigation Act 1920
Air Services Act 1995
Australian Postal Corporation Act 1989
Aviation Transport Security Act 2004
Broadcasting Services Act 1992
Civil Aviation Act 1988
Civil Aviation (Carriers' Liability) Act 1959
Crimes Act 1914
Crimes (Biological Weapons) Act 1976
Crimes (Currency) Act 1981
Crimes (Internationally Protected Persons) Act 1976
Defence (Visiting Forces) Act 1963
Dental Benefits Act 2008
Extradition Act 1988
Fringe Benefits Tax Assessment Act 1986
Health Insurance Act 1973
Marriage Act 1961
National Health Act 1953
Proceeds of Crime Act 1987
Proceeds of Crime Act 2002
Public Order (Protection of Persons and Property) Act 1971
Racial Discrimination Act 1975
Radiocommunications Act 1992
Sex Discrimination Act 1984
Telecommunications Act 1997
Telecommunications (Consumer Protection and Service Standards) Act 1999
Telstra Corporation Act 1991
Therapeutic Goods Act 1989
Tradespersons' Rights Regulation Act 1946

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Sea Installations Act 1987	102, 1987	6 Nov 1987	Part I (ss. 1–13): 15 Oct 1987 Remainder: Royal Assent	
Taxation Laws Amendment Act 1988	11, 1988	26 Apr 1988	s. 14: 24 June 1986 Part VI (ss. 43, 44): 1 Sept 1987 Part VII (ss. 45, 46): 6 Nov 1987 Part VIII (ss. 47, 48): 18 Dec 1987 (<i>see</i> s. 2(5)) Part IX (ss. 49, 50): 18 Dec 1987 (<i>see</i> s. 2(6)) Remainder: Royal Assent	—
Civil Aviation Act 1988	63, 1988	15 June 1988	Part III (ss. 17–32), s. 98, Part IX (s. 99) and Part X (ss. 100–103): 1 July 1988 (<i>see Gazette</i> 1988, No. S189) Remainder: Royal Assent	—
Arts, Territories and Environment Legislation Amendment Act 1989	60, 1989	19 June 1989	ss. 11 and 13: 7 Dec 1988 Part 5 (ss. 14, 15): 11 May 1989 (<i>see</i> s. 2(3) and <i>Gazette</i> 1989, No. S164) Remainder: Royal Assent	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989	63, 1989	19 June 1989	ss. 1 and 2: Royal Assent Part 5 (ss. 17, 18): 30 June 1989 (<i>see</i> s. 2(3)) Remainder: 1 July 1989 (<i>see Gazette</i> 1989, No. S230)	—
as amended by				
Transport and Communications Legislation Amendment Act 1990	11, 1991	21 Jan 1991	s. 45 (in part): (<i>a</i>)	—
Therapeutic Goods Act 1989	21, 1990	17 Jan 1990	15 Feb 1991	—
as amended by				
Community Services and Health Legislation Amendment Act (No. 2) 1990	141, 1990	28 Dec 1990	Part 8 (ss. 78–81): (<i>b</i>)	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1991	99, 1991	27 June 1991	Part 1 (ss. 1, 2): Royal Assent Part 2 (ss. 3–22), ss. 23 and 25: 1 July 1991 Remainder: 1 Feb 1992 (<i>see Gazette</i> 1992, No. S32)	ss. 3–22
AUSSAT Repeal Act 1991	145, 1991	21 Oct 1991	Part 3 (ss. 8–12): 1 Feb 1992 (<i>see Gazette</i> 1992, No. S46) Remainder: Royal Assent	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fisheries Legislation (Consequential Provisions) Act 1991	163, 1991	10 Nov 1991	ss. 1 and 2: Royal Assent Remainder: 3 Feb 1992 (see <i>Gazette</i> 1992, No. GN1)	—
Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992	105, 1992	9 July 1992	5 Oct 1992 (see s. 2 and <i>Gazette</i> 1992, No. GN38)	s. 3
Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992	167, 1992	11 Dec 1992	1 July 1993	—
Maritime Legislation Amendment Act 1994	20, 1994	15 Feb 1994	1 Aug 1994 (see <i>Gazette</i> 1994, No. S289)	—
Transport and Communications Legislation Amendment Act 1994	64, 1994	30 May 1994	s. 3(3): Royal Assent (c)	—
Civil Aviation Legislation Amendment Act 1995	82, 1995	30 June 1995	s. 5 (item 24): 6 July 1995 (see <i>Gazette</i> 1995, No. S270) (d)	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997	59, 1997	3 May 1997	Schedule 1 (item 48): 1 July 1997 (e)	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1997	94, 1997	30 June 1997	Schedule 8: 4 Sept 1997 (see <i>Gazette</i> 1997, No. S347) (f)	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 1193, 1194): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (g)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Telecommunications Legislation Amendment Act 1999	52, 1999	5 July 1999	Schedule 3 (item 8): 2 Aug 1999 (<i>h</i>)	—
Environmental Reform (Consequential Provisions) Act 1999	92, 1999	16 July 1999	Sch 3 (items 49–55): 16 July 2000 (s 2(1))	Sch 3 (item 55)
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (item 811): 5 Dec 1999 (s 2(1), (2))	—
Crimes at Sea Act 2000	13, 2000	31 Mar 2000	ss. 1 and 2: Royal Assent Remainder: 31 Mar 2001	Sch. 2 (item 11)
Environment and Heritage Legislation Amendment Act 2000	107, 2000	19 July 2000	16 Aug 2000	ss. 4, 5
Environment and Heritage Legislation Amendment (Application of Criminal Code) Act 2001	15, 2001	22 Mar 2001	s 4 and Sch 1 (items 129–145): 24 May 2001 (s 2(1)(c))	s 4
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002	86, 2002	11 Oct 2002	ss. 1–3: Royal Assent Remainder: 1 Jan 2003 (s 2(1) and <i>Gazette</i> 2002, No. GN44)	—
Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004	9, 2004	10 Mar 2004	Sch 1–3: 10 Mar 2005 (s 2) Remainder: Royal Assent	Sch. 3 (am. by 149, 2004, Sch.2 [items 2, 3])

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Aviation Security Amendment Act 2004	149, 2004	14 Dec 2004	Sch 2 (item 2): 10 Mar 2005 (s 2(1) item 3) Sch 2 (item 3): Royal Assent	—
Age Discrimination (Consequential Provisions) Act 2004	40, 2004	21 Apr 2004	Sch 1 (item 12): 23 June 2004 (s 2) item 4)	—
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s 4 and Sch 1 (items 317, 496): 22 Feb 2005 (s 2(1) item 2)	s 4 and Sch 1 (item 496)
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006	17, 2006	29 Mar 2006	Sch 2 (items 103–107): 1 July 2008 (s 2(1) and F2008L02273)	—
Excise Laws Amendment (Fuel Tax Reform and Other Measures) Act 2006	74, 2006	26 June 2006	Schedule 1 (item 96): 1 July 2006	—
Dental Benefits (Consequential Amendments) Act 2008	42, 2008	25 June 2008	Sch 1 (item 18): 26 June 2008 (s 2(1) item 2)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 3 (item 27): 3 July 2008 (s 2(1) item 4)	—
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Sch 3 (item 58): 22 Nov 2008 (s 2(1) item 4)	—
Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010	4, 2010	19 Feb 2010	Sch 10 (items 25, 26): 20 Feb 2010 (s 2(1) item 13)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Telecommunications Legislation Amendment (Universal Service Reform) Act 2012	44, 2012	16 Apr 2012	Sch 1 (item 6): 1 July 2012 (s 2(1) item 2)	—
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Sch 2 (items 86, 87): 1 July 2013 (s 2(1) item 2)	—
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 5 (items 5–59): 17 Oct 2014 (s 2(1) item 2)	Sch 5 (item 59)
Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014	116, 2014	3 Nov 2014	Sch 1 (item 137): 1 Dec 2014 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 3 (items 170-174): 25 Mar 2015 (s 2(1) item 10)	—
Telecommunications Legislation Amendment (Deregulation) Act 2015	38, 2015	13 Apr 2015	Sch 1 (items 13, 138–163): 1 July 2015 (s 2(1) item 3)	Sch 1 (items 138–163)
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 3 (item 34): 10 Dec 2015 (s 2(1) item 7)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (item 415): 10 Mar 2016 (s 2(1) item 6)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 437–450): 21 Oct 2016 (s 2(1) item 1)	—

- (a) The *Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989* was amended by section 45 only of the *Transport and Communications Legislation Amendment Act 1990*, subsection 2(13)(e) of which provides as follows:

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- (e) each amendment of a provision of, or an item in a Schedule to, the *Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989* is taken to have commenced immediately after the commencement of the provision, or item, concerned.

Section 74 of the *Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989* came into operation on 1 July 1989 (see *Gazette* 1989, No. S230).

- (b) The *Therapeutic Goods Act 1989* was amended by Part 8 (sections 78–81) only of the *Community Services and Health Legislation Amendment Act (No. 2) 1990*, subsection 2(6) of which provides as follows:
- (6) Part 8 commences immediately after the commencement of the *Therapeutic Goods Act 1989*.
- The *Therapeutic Goods Act 1989* came into operation on 15 February 1991.
- (c) The *Sea Installations Act 1987* was amended by subsection 3(3) only of the *Transport and Communications Legislation Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (d) The *Sea Installations Act 1987* was amended by section 5 (item 24) only of the *Civil Aviation Legislation Amendment Act 1995*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on:
- (a) a day to be fixed by Proclamation; or
- (b) the first day after the end of the period of 6 months beginning on the day on which this Act receives the Royal Assent;
- whichever is earlier.
- (e) The *Sea Installations Act 1987* was amended by Schedule 1 (item 48) only of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997*, subsection 2(2)(d) of which provides as follows:
- (2) The following provisions commence on 1 July 1997:
- (d) Schedule 1.
- (f) The *Sea Installations Act 1987* was amended by Schedule 8 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1997*, subsection 2(4) of which provides as follows:
- (4) The items of Schedules 4, 6, 7 and 8 commence on a day or days to be fixed by Proclamation.

Endnote 3—Legislation history

- (g) The *Sea Installations Act 1987* was amended by Schedule 2 (items 1193 and 1194) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (h) The *Sea Installations Act 1987* was amended by Schedule 3 (item 8) only of the *Telecommunications Legislation Amendment Act 1999*, subsection 2(4) of which provides as follows:
- (4) Subject to subsection (5), Schedule 3 commences on the commencement of section 1 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

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Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 3	am No 109, 2014
s 4	am. No. 60, 1989; No 163, 1991; No 20, 1994; No 94, 1997; No 17, 2006; No 117, 2008; No 129, 2012; No 109, 2014
s 5	am No 20, 1994; No 17, 2006
s 6	am. No 60, 1989
s 7	am No 109, 2014
s 9	rs No 145, 2015
s 10	rep No 109, 2014
s 13A.....	ad. No 15, 2001
Part II.....	rep No 109, 2014
s 14	am. No 15, 2001 rep No 109, 2014
s 15	am. No 15, 2001 rep No 109, 2014
s 16	am. No 15, 2001 rep No 109, 2014
Part III.....	rep No 109, 2014
Div 1 of Pt III.....	rep No 109, 2014
s 17	rep No 109, 2014
s 18	rep No 109, 2014
s 19	am No 107, 2000 rep No 109, 2014
s 20	am No 92, 1999 rep No 109, 2014
s 21	rep No 109, 2014
s 22	rep No 109, 2014
Div 2 of Pt III	rep No 109, 2014

Endnote 4—Amendment history

Provision affected	How affected
s 23	rep No 109, 2014
s 24	rep No 109, 2014
Div 3 of Pt III.....	rep No 109, 2014
s 25	rep No 109, 2014
s 26	am No 92, 1999
	rep No 109, 2014
s 27	rep No 109, 2014
Div 4 of Pt III.....	rep No 109, 2014
s 29	am No 107, 2000
	rep No 109, 2014
s 30	am No 60, 1989
	rep No 109, 2014
s 31	am. No 92, 1999
	rep No 109, 2014
s 32	rep No 109, 2014
Div 5 of Pt III.....	rep. No 92, 1999
s 33	am No 60, 1989
	rep No 92, 1999
Div 6 of Pt III.....	rep No 109, 2014
s 34	rep No 109, 2014
s 35	rep No 109, 2014
Div 7 of Pt III.....	rep No 109, 2014
s 36	rep No 109, 2014
s 37	rep No 109, 2014
Heading to s 38	am No 152, 1997
	rs. No 8, 2005
	rep No 109, 2014
s 38	am No 152, 1997
	rs No 8, 2005
	rep No 109, 2014
s 39	rep No 109, 2014

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Endnote 4—Amendment history

Provision affected	How affected
Part IV	rep No 109, 2014
s 40	am No 92, 1999
	rep No 109, 2014
s 41	am No 92, 1999
	rep No 109, 2014
s 42	am No 92, 1999
	rep No 109, 2014
s 43	am No 92, 1999
	rep No 109, 2014
s 44	rep No 109, 2014
Part V	
s 46	am. No 13, 2000; No 17, 2006
s 47	am. No 13, 2000; No 17, 2006
Part VI	
s 51	am. No 15, 2001; No 109, 2014; No 4, 2016; No 61, 2016
s 52	rep No 109, 2014
s 53	rep No 109, 2014
s 54	rep No 109, 2014
s 55	am No 109, 2014; No 61, 2016
s 56	am. No 15, 2001; No 4, 2010
	rep No 109, 2014
s 57	am. No 15, 2001; No 4, 2016; No 61, 2016
s 58	rs. No 15, 2001
	rep No 109, 2014
Part VII	
s 61	am. No 15, 2001; No 61, 2016
s 62	am. No 15, 2001; No 4, 2010; No 109, 2014
s 63	am. No 15, 2001; No 61, 2016
s 64	rep. No 15, 2001
s 65	am. No 15, 2001; No 109, 2014; No 61, 2016
s 66	am. No 60, 1989; No 5, 2015

Endnote 4—Amendment history

Provision affected	How affected
Pt VIII.....	rep No 109, 2014
s 67	rep No 109, 2014
s 68	rep No 109, 2014
s 69	rep No 109, 2014
s 70	rep No 109, 2014
s 71	rep No 109, 2014
Part IX	
s 72	am. No 60, 1989 rep No 109, 2014
s 74	am. No 60, 1989; No 146, 1999
s 75	am No 109, 2014
s 77	am No 109, 2014; No 61, 2016
s 78	rep No 109, 2014
Schedule	
Schedule	am Nos. 11 and 63, 1988; No 63, 1989 (as am. by No 11, 1991); No 21, 1990 (as am. by No 141, 1990); Nos. 99 and 145, 1991; Nos. 105 and 167, 1992; No 64, 1994; No 82, 1995; No 59, 1997; Nos. 52 and 92, 1999; No 86, 2002; Nos. 9 and 40, 2004; No 74, 2006; Nos. 42 and 73, 2008; No 44, 2012; No 109 and 116, 2014; No 38, 2015