



Migration Amendment (Offshore Resources Activity) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 August 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Alan Tudge
Minister for Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Offshore Resources Activity) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	12 August 2018.	12 August 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Regulation 1.03

Insert:

petroleum has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

petroleum export tanker crew member: a person is a *petroleum export tanker crew member* if:

- (a) the person is a member of the crew of a non-military ship; and
- (b) the person enters one or more areas while on board the ship to participate in, or support, an offshore resources activity in relation to that area or those areas involving the recovery of petroleum; and
- (c) under subsection 9A(1) of the Act, the person is taken, for the purposes of the Act, to be in the migration zone while the person is in the area or those areas to participate in, or support, such an activity; and
- (d) before the person so enters the area, or the first of the areas, the ship's last port of departure was a port outside Australia; and
- (e) the recovered petroleum will be received by the ship for export; and
- (f) the person will depart from the area, or the last of the areas, on board the ship for a port outside Australia.

2 At the end of subregulation 2.05(4AC)

Add:

- ; (d) a Subclass 988 (Maritime Crew) visa held by a petroleum export tanker crew member.

3 Regulation 2.06AAC

Before “For”, insert “(1)”.

4 At the end of regulation 2.06AAC (after note 2)

Add:

- (2) For the purposes of paragraph 43(1A)(b) of the Act, a prescribed reason is that the holder of the maritime crew visa is a petroleum export tanker crew member.

Note: Paragraph 43(1A)(b) of the Act provides that if the holder of a maritime crew visa that is in effect travels to Australia, and a prescribed reason makes it necessary to enter Australia in a way other than at a proclaimed port, the visa is permission for the holder to enter Australia in that other way.

5 At the end of subregulation 3.03AA(1)

Add:

Note: This regulation does not apply to holders of a Subclass 988 (Maritime Crew) visa who are petroleum export tanker crew members: see item 12 of Part 2 of Schedule 9.

6 At the end of Part 2 of Schedule 9

Add:

- 12 A person:
- (a) who holds a Subclass 988 (Maritime Crew) visa; and
 - (b) who is a petroleum export tanker crew member; and
 - (c) who is taken to enter Australia because paragraph 9A(3)(c) of the Act is satisfied in respect of the person; and
 - (d) whose entry has been reported in writing to Immigration

7 In the appropriate position in Schedule 13

Insert:

**Part 69—Amendments made by the Migration Amendment
(Offshore Resources Activity) Regulations 2018**

6901 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Offshore Resources Activity) Regulations 2018* apply in relation to maritime crew visas granted before, on or after the commencement of that Schedule.