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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

OFF-SHORE INSTALLATIONS (MISCELLANEOUS AMENDMENTS) BILL 1982

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the Minister  
for Business and Consumer Affairs, the  
Honourable John Moore, M.P.)

OFF-SHORE INSTALLATIONS (MISCELLANEOUS  
AMENDMENTS) BILL 1982

The purpose of this Bill is to amend -

- . the Customs Act 1901
- . the Customs Amendment Act 1981
- . the Excise Act 1901
- . the Immigration (Unauthorised Arrivals) Act 1980
- . the Migration Act 1958
- . the Quarantine Act 1908
- . the Sales Tax Assessment Act (No.1) 1930
- . the Sales Tax Assessment Act (No.5) 1930

to give each of those Acts application in respect of any installation (including a ship) that is brought direct from overseas to the place at which it is to be attached to the continental shelf of Australia for purposes related to the exploration or exploitation of the non-living natural resources of the seabed or subsoil of the shelf.

The proposed amendments will give to the officers administering the respective Acts powers over such installations, ships, aircraft, persons and goods arriving with the installations and ships, aircraft, persons and goods arriving direct from overseas at such an installation after its attachment equivalent powers to the powers now exercisable in respect of installations, ships, aircraft, persons and goods which arrive at, or depart from, geographical Australia.

Complementary amendments are proposed by the Customs Tariff Amendment (Off-shore Installations) Bill 1982, the Customs Tariff (Anti-Dumping) Amendment (Off-Shore Installations) Bill 1982, the Excise Tariff Amendment (Off-Shore Installations) Bill 1982 the Sales Tax (Amendment) (Off-Shore Installations) (Exemptions and Classifications) Bill and the Sales Tax (Amendment) (Off-Shore Installations) Bills No's 1 to 9 inclusive.

## PART I - PRELIMINARY

- Clause 1 - Citation of the Act
- Clause 2 - Commencement to be 28 days after the date of Royal Assent except for sections 12, 13 and 22 and Part III which are to come into operation 28 days after Royal Assent or the date on which sections 12 and 24 of the Customs Amendment Act 1981 come into force, whichever is the later. Operation of sections 12, 13 and 22 and Part III relate to sections of the Customs Amendment Act 1981 which have not been proclaimed to come into force.

## PART II - AMENDMENTS OF THE CUSTOMS ACT 1901

- Clause 3 - Identifies the Customs Act 1901 as the Principal Act for the purposes of Part II of the Bill
- Clause 4 - Inserts a number of new definitions into the the Principal Act and in particular defines the terms "Australian installation", "Australian seabed", "Installation" and "Overseas installation". Proposed sub-section 4(9) provides that an installation shall be taken to be attached to the Australian seabed if -
- (a) the installation is brought into physical contact with the Australian seabed wholly or principally for the purpose of being used in, or in any operations or activities associated with, or incidental to, exploring or exploiting the natural resources of the Australian seabed; or
  - (b) the installation is brought into physical contact with another installation that has been brought into physical contact with the Australian seabed wholly or principally for that purpose.
- Clause 5 - Inserts new proposed section 5A into the Act which
- . create a new offence of attaching an overseas installation to the Australian seabed without permission - Penalty \$50,000;
  - . provide for the Comptroller to give permission for the attachment which may be subject to conditions and for the revocation of the permission, the revocation or variation of conditions and the imposition of new conditions;

- . create a further new offence of refusing or failing to comply with any condition to which a permission is subject - Penalty \$10,000.
- Clause 6 - Omits from section 7 of the Principal Act words which appear to prevent the exercise of the Comptroller-General's authority beyond the limits of geographical Australia
- Clause 7 - Provides authority for the exercise of statutory powers and functions of Collectors of Customs for the various States and the Northern Territory in designated off-shore areas adjacent to, or in the vicinity of, the respective States and the Northern Territory
- Clause 8 - Exempts installations from application of Section 33 of the Principal Act which otherwise would prevent anything being done in relation to an installation following its attachment to the seabed until all entry formalities are completed and authority has been given for the release of the installation from Customs control
- Clause 9 - Inserts a new proposed section 33A which
- . creates a new offence of using an Australian installation in relation to the exploration or exploitation of the Australian seabed while it is subject to Customs control except with permission of a Collector - Penalty \$50,000;
  - . provides for a Collector to give permission to engage in specified activities, which may be subject to conditions and for the revocation of the permission, the revocation or variation of conditions and the imposition of new conditions; and
  - . creates a further new offence of refusing or failing to comply with any condition to which a permission is subject - Penalty \$10,000.
- Clause 10 - Exempts installations from the application of section 49A of the Customs Act. That section which allows a ship, the status of which is uncertain, to be deemed to be imported can have no effect in respect of installations in view of the proposed complementary provisions of the Customs Tariff Amendment (Off-shore Installations) Bill 1982.

- Clause 11 - Empowers a Collector by notice in writing to permit a ship or aircraft to be brought to, or remain at, a place other than an appointed port or airport. The permission may be given subject to conditions and a new offence is created of refusing or failing to comply with any such condition - Penalty \$10,000. A permission will except the ship or aircraft from the present prohibition on a ship or aircraft entering a place other than an appointed port or airport, such as an offshore installation. The penalty for a breach of the present prohibition is to be increased to \$50,000.
- Clause 12 - Amends section 60 to make it clear that the master of a ship that has brought to for boarding at a boarding station or the pilot of an aircraft that has brought the aircraft to a boarding station shall permit the ship or aircraft to be boarded. This amendment will prevent any contrary intention appearing from the amendment to be made by clause 27 to the new section 59 that is proposed to be inserted in the Customs Act by the Customs Amendment Act 1981.
- Clause 13 - Repeals section 61 and inserts a new section which extends the present obligation on masters of ships and pilots of aircraft to facilitate boarding by officers to all the circumstances in which an officer may board the ship or aircraft and increases the penalty for failure to do so to \$5,000.
- Clause 14 - Formally amends section 64 to prevent the section having any application in the circumstances in which new section 64A which is proposed to be inserted by clause 15, will operate.
- Clause 15 - Inserts a proposed new section 64A which will allow a Collector to impose on the master of a ship or pilot of an aircraft who is given permission under section 58 as proposed to be amended by clause 11 to arrive from overseas at a place other than an appointed port or airport, requirements of the same kind as those which are imposed by section 64 in the case of a ship or aircraft arriving at a port or airport. The proposed levels of penalty for failure to comply with these requirements are in line with the new penalties proposed to be inserted in section 64 by the Customs Amendment Bill 1982.

- Clause 16 - Amends section 118 of the Customs Act to make it clear that the prohibition on departure of a ship or aircraft from a port or airport without having first obtained a Certificate of Clearance applies equally in respect of departure from any other place (e.g. an off-shore installation) from which departure may, with permission, be made.
- Clause 17 - Repeals section 187 and substitutes a new section which extends the power to board and search ships and aircraft and to secure goods on board to an Australian installation:
- (a) while the installation remains subject to Customs control;
  - (b) when an overseas ship or aircraft is at the installation; or
  - (c) whenever an officer has reasonable cause to believe that goods subject to the control of Customs are on the installation; and
  - (d) any other installation in respect of which permission has been given for its attachment to the Australian seabed.
- Clause 18 - Formal amendment consequential on Clause 17.
- Clause 19 - Formal amendment consequential on Clause 17.
- Clause 20 - Formal amendment consequential on Clause 17.
- Clause 21 - Formal amendment consequential on Clause 17.
- Clause 22 - Consequential upon the amendment proposed by Clause 27 to be made to the new section 59 that is proposed to be inserted in the Customs Act by the Customs Amendment Act 1981, substitutes the penalty of forfeiture of a ship the master of which fails to permit it to be boarded when lawfully requested to do so for the present penalty of forfeiture of a ship which fails to bring to upon such lawful request.
- Clause 23 - Inserts proposed new section 228A which provides a penalty of forfeiture of an overseas installation that is attached to the Australian seabed without proper permission.
- Clause 24 - Inserts a new section 277A which ensures that, subject to the Constitution, State and Territory courts have jurisdiction without limitation as to locality in matters arising under the Customs Act including matters that arise in relation to off-shore installations.

Clause 25 - Is a transitional provision under which regulations at present in force which prohibit the importation or exportation of any goods into, or from, Australia apply in respect of actions that under the complementary provisions to be inserted by the Customs Tariff Amendment (Off-shore installations) Bill 1982 into the Customs Tariff Act constitute importation into Australia or exportation from Australia of any goods.

#### PART III AMENDMENTS OF CUSTOMS AMENDMENT ACT 1981

Clause 26 - Cites the Customs Amendment Act 1981 as the the Principal Act in this Part.

Clause 27 - Amends the new section 59 (as proposed to be inserted in the Customs Act by the Customs Amendment Act 1981) to

- (i) extend the present power to request foreign ships within the 12-mile limit to bring to for boarding to any foreign ship that is within 500 metres of an installation which is the safety zone provided for in Article 5 of the Convention on the Continental Shelf
- (ii) change the nature of the request that may be made of a master from one to bring to for boarding into a request to permit the ship to be boarded. The new request is applicable to a stationary ship as well as to a ship in motion.
- (iii) extend the present power to require foreign aircraft over waters within the 12 mile limit to land for boarding to an aircraft that is flying over waters within the 500 metres safety zone around an installation

Clause 28 - Amends sections 184 and 185 to reflect the change in the nature of the request to be made under the new section 59 (proposed to be inserted into the Customs Act by the Customs Amendment Act 1981) as is proposed to be made by clause 27.

#### PART IV - AMENDMENT OF THE EXCISE ACT 1901

Clause 29 - Cites the Excise Act 1901 as the Principal Act in this Part.

Clause 30 - Omits from section 8 of the Excise Act 1901 words which appear to prevent the exercise of the Comptroller-General's authority beyond the limits of geographical Australia

Clause 31 - Inserts a new proposed section 87A which gives to excise officers powers in relation to Australian intallations producing excisable goods equivalent to the powers they now have in

respect of access to excise factories and the examination of goods, processes and systems in such factories.

- Clause 32 - Inserts a new section 159A in the Principal Act which ensures that, subject to the Constitution, State and Territory courts have jurisdiction without limitation as to locality in matters arising under the Excise Act including matters that arise in relation to off-shore installations.

PART V - AMENDMENTS TO THE IMMIGRATION  
(UNAUTHORISED ARRIVALS) ACT 1980

- Clause 33 - Identifies the Immigration (Unauthorised Arrivals) Act 1980 as the Principal Act (the Act).
- Clause 34 - Contains definitions and interpretation provisions.

In sub-clause 34(a),

"Australian installation" means an installation which is deemed to be part of Australia, but does not include an installation which is in Australian waters. The inclusion is not considered necessary because where a ship to which the Act applies enters Australian waters, an offence is already committed. By reason of international law, "Australian waters" for the purposes of the Act, is defined to mean the territorial sea of Australia and the waters on the landward side of the territorial seas of Australia (or the Territory of Christmas Island).

This definition of "Australian installation" is not relevant in the case of an aircraft to which the Act applies. Where an aircraft to which the Act applies, lands in Australia, an offence is committed. "Australia" here includes, by virtue of new section 3B (Clause 35), an installation when it is attached within Australian waters as defined, or outside the outer limit of Australian waters.

Sub-clauses 34(a), (b), (d), and (j) contain the same definitions on interpretations as those inserted in other parts of the Bill.

Sub-clauses 34(e), (f), (g) and (h) extend the relevant provisions which apply to a ship, to be applicable where a ship is brought to an Australian installation.



Clause 35 - Inserts new section 3B into the Act to deem an installation to be part of Australia upon its attachment to the Australian seabed. The clause also spells out when an installation ceases to be part of Australia.

Clause 36 - Widens the application of section 4 of the Act to an Australian installation.

Sub-clauses 36(a) and (b) amend sub-section 4(2) of the Act to the effect that a ship becomes a ship to which the Act applies where it is brought to an Australian installation.

Sub-clause 36(c) inserts new sub-sections 4(3C) and 4(4) of the Act. New sub-section 4(3C) will place an Australian installation (ie. an installation attached to the seabed outside Australian waters) in the same situation as the Territory of Christmas Island. This would mean that where an aircraft to which the Act applies departs from one place in Australia, then lands on an Australian installation (or Christmas Island), a fresh offence is committed.

New sub-section 4(4) stipulates when a ship to which the Act applies ceases to be such a ship.

Clause 37 - Amends section 6 of the Act to extend the application of the penalty provisions to persons who unlawfully seize a ship, to which the Act applies, within 500 metres of an Australian installation.

This clause also extends the application of the provisions relating to a defence to a prosecution where an unlawful seizure of an aircraft or ship, an unforeseen emergency, or innocent passage are proven to the satisfaction of the Court.

Clause 38 - Extends the application of section 9 relating to permits for relevant passengers to disembark from a ship, where it was brought to an Australian installation.

Clause 39 - Amends section 16 of the Act to enable officers to exercise powers under this section where a ship is brought to an Australian installation.

Clause 40 - Amends section 18 of the Act to enable the Minister to require a ship to be repaired where it was brought to an Australian installation.

Clause 41 - Amends section 19 of the Act to enable the Minister to require a ship to leave Australian waters or an Australian installation as the case may be.

## PART VI - AMENDMENTS OF THE MIGRATION ACT 1958

- Clause 42 - Identifies the Migration Act 1958 as the Principal Act (the Act).
- Clause 43 - Contains definition and interpretation provisions.

For the purpose of this Act:

"Australian installation" in sub-clause 43(a) is an installation which is deemed to be part of Australia when it is attached to the Australian seabed within or outside the territorial seas of Australia.

"Australian waters" in sub-clause 43(a) is defined to mean in effect the territorial sea and waters outside the territorial sea which extend outward to the limit of the Australian seabed.

The deeming provisions inserted by clause 43(g) would mean that, unless a person is exempted by instrument under section 11C(1)(b) of the Act, carriage of that person to Australia without a visa or return endorsement applicable to his travel to Australia would attract a penalty upon conviction.

The clause also contains definitions and interpretations similar to those inserted in other Parts of the Bill.

- Clause 44 - Inserts new section 5B into the Act to deem an installation to be part of Australia upon its attachment to the Australian seabed. The new section also spells out where an installation ceases to be part of Australia.
- Clause 45 - Widens the application of section 11C of the Act to include an installation.
- Clause 46 - Amends sub-section 16(4) of the Act so that a person who is deemed to have entered Australia at an installation where no officer is stationed, shall not be deemed to be a prohibited immigrant under section 16.
- Clause 47 - Expands section 21 of the Act by imposing a duty on the master, owner, agent or charterer of an installation, which brought a deportee to Australia, to provide a passage for the deportee to be removed from Australia.

This clause also widens sub-section 21(8) to specify the circumstances where that duty is not required.

- Clause 48 - Inserts new section 23A into the Act to require the person in charge of an installation to produce identity documents in respect of persons on board the installation, upon its arrival and before its detachment from the Australian seabed.
- Clause 49 - Contains consequential amendments to section 36 of the Act relating to the custody of a prohibited immigrant during the stay of a vessel at a port.
- Clause 50 - Contains a consequential amendment to Section 36A of the Act relating to the custody of a prohibited immigrant during the stay of an aircraft at a proclaimed airport.
- Clause 51 - Amends section 37 of the Act to extend an officer's powers of entry and search to an Australian installation.

#### PART VII - AMENDMENTS OF THE QUARANTINE ACT 1908

- Clause 52 - Identifies the Quarantine Act 1908 as the Principal Act in respect of amendments included in Part VII.
- Clause 53 - Extends the application of section 4 of the Quarantine Act to installations. This would extend the scope of quarantine to include measures for the inspection, treatment, sanitary regulation, and disinfection of off-shore installations as well as vessels, persons, goods, things, animals or plants.
- Clause 54 - Amends section 5 of the Quarantine Act which is an interpretative provision. Paragraph (d) would insert a definition of 'installation' to mean an off-shore industry fixed structure or an off-shore industry mobile unit. As a consequence of the extension of the Act to off-shore installations, paragraphs (a), (b), (c), (f) and (g) would insert definitions of 'Australian installation', 'Australian seabed', 'Australian waters', 'Continental shelf', 'natural resources' and 'overseas installation' in similar terms to the definitions in other Acts amended by this Bill. Paragraphs (e) and (h) make consequential changes to the definitions of 'master' and 'pratique'.
- Paragraph (j) would extend the definition of 'vessel' to include an off-shore industry mobile unit (being all overseas installation) that is bound for, or is at, a port.

Paragraph (k) would extend sub-section 5(2) to provide that where two or more persons appear to be in charge of the installation each person may be taken to be in charge of the installation for the purposes of the Act.

New sub-section 5(3) provides that an off-shore industry fixed structure is for the purposes of the Act, a structure that cannot be moved as an entity from one place to another and is used for exploring or exploiting the natural resources of the seabed.

New sub-section 5(4) provides that an off-shore industry mobile unit is, for the purposes of the Act, a vessel or other structure that floats, that contains equipment used for drilling the seabed or obtaining quantities of material from the seabed.

New sub-section 5(5) provides that a vessel or structure used in the exploitation of resources, other than mineral or non-living resources of the seabed, would not be excluded from being an off-shore industry mobile unit if its main purpose is the exploitation of the mineral and non-living resources.

New sub-section 5(6) provides that an installation shall be taken to be attached to the Australian seabed if it is brought into physical contact with the seabed or is brought into physical contact with another installation that has physical contact with the Australian seabed.

Attachment is defined for the purpose of section 16AA which provides that an installation becomes part of Australia after it has been attached to the seabed and pratique has been granted.

- Clause 55 - Amends section 10 of the Quarantine Act to extend the Minister's power to delegate any of his powers under the Act (except his power of delegation), to any matter or class of matters relating to installations.
- Clause 56 - Amends the provisions of section 13A of the Quarantine Act to provide that the Minister may appoint any place to be a temporary quarantine station for such time as he thinks necessary for the performance of quarantine by any installation.

Clause 57 - Amends section 14 of the Quarantine Act to provide that the Governor-General may exempt from all or any of the provisions of the Act certain vessels trading exclusively between Australian ports and Australian installations.

Clause 58 - Inserts new sections 16AA and 16AB into the Quarantine Act to provide that certain installations shall be deemed to be part of Australia and to deem certain goods to be imported into Australia.

New sub-section 16AA(1) deems an overseas installation to be part of Australia when it is attached to the Australian seabed and it has been granted pratique or is released from quarantine.

New sub-section 16AA(2) deems that an installation from Australia that becomes attached to the seabed is part of Australia. The sub-section would also deem to be part of Australia any installation already attached to the seabed prior to the commencement of this Act.

New sub-section 16AA(3) provides that an installation that is attached to the seabed or that is attached to another installation that is attached to the seabed, becomes detached for the purpose of being taken to a place outside of Australian waters or for being used for other purposes, shall cease to be part of Australia for the purposes of the Quarantine Act.

New sub-section 16AB(1) deems any goods, animals or plants on board an installation at the time it becomes attached to the Australian seabed to be imported for the purposes of the Act.

New sub-section 16AB(2) deems goods taken from a place outside Australia onto an Australian installation to be imported goods for the purposes of the Act. The purpose of new section 16AB is to bring within quarantine control all goods which are brought to waters over the Australian seabed on an overseas installation and which are landed on installations from overseas.

Clause 59 - Amends section 17 of the Quarantine Act which specifies which vessels are to be subject to quarantine to also specify which installations are to be subject to quarantine. These are, any overseas installations, any installations on which there is suspected to be a quarantinable disease and an installation which has been ordered into quarantine.

- Clause 60 - Extends section 18 of the Quarantine Act, which specifies when persons and goods are subject to quarantine to include all persons and goods which are on board an installation subject to quarantine. The amended section will also deem any animals that arrive at an installation, other than on a vessel, to be subject to quarantine.
- Clause 61 - Extends to off-shore installations section 19A of the Quarantine Act which provides that all vessels, persons and goods subject to quarantine continue to be so subject until they are released from quarantine. The clause further provides that an installation subject to quarantine will be released from quarantine when pratique is granted to the installation, excepting where the pratique is limited to a particular period or in respect of certain measures of quarantine. Persons on an installation which has been granted pratique cease to be subject to quarantine.
- Clause 62 - Amends section 20 of the Quarantine Act so that it prohibits a master of a vessel bringing his vessel to a place (including an installation) in Australia unless that place is a first port of entry. The exception to this prohibition will be if the action was taken under stress of weather or with permission granted under new section 20AA.
- Clause 63 - Amends section 20A of the Quarantine Act which prevents the master of an overseas vessel engaged in navigation by air from landing the vessel at any place other than a landing place, unless from stress of weather or other reasonable cause, to authorise the master of an aircraft to bring the vessel to an Australian installation where the Minister for Health has given permission under new section 20AA.
- Clause 64 - Inserts new section 20AA in the Quarantine Act to enable the Minister for Health, upon application being made by the master, owner or agent of an overseas vessel, by notice in writing, to permit the vessel to be brought to an Australian installation or any place in Australia that is not a first port of entry. Such permission may be subject to such conditions as are specified in the notice.

- Clause 65 - Amends section 20C of the Quarantine Act to exempt a vessel that lands at an installation in accordance with the permission of the Minister given under new section 20AA, and any persons, goods, animal or plant on board from being ordered into quarantine.
- Clause 66 - Amends section 21 of the Quarantine Act to extend the requirement to display the quarantine signal to a vessel that comes within 500 metres of an Australian off-shore installation. The clause further requires that the master of an installation that is subject to quarantine to display the quarantine signal and keep such a signal displayed on the installation until pratique is granted or until it has been released from quarantine.
- Clause 67 - Amends section 22 of the Quarantine Act which requires the master of a vessel to notify a quarantine officer of an outbreak of a disease on the vessel, to include an installation as a vessel for the purposes of that section.
- Clause 68 - Amends section 24 of the Quarantine Act to provide that no unauthorized person shall board any installation subject to quarantine or on which the quarantine signal is displayed, unless he is the master or member of a tug that is carrying out operations as a tug alongside the installation.
- Clause 69 - Inserts new section 25A in the Quarantine Act to provide that unless the master of an installation, upon being required to do so, permits a quarantine officer to board the installation and facilitates such a boarding, he is liable to a fine of \$5,000 or imprisonment for 2 years.
- Clause 70 - Repeals section 27 of the Quarantine Act and inserts a new section.

New section 27 provides that unless the master of an overseas vessel arriving at a port in Australia or the Cocos Islands, an overseas installation or an overseas vessel arriving at an Australian installation, delivers a signed health report to a quarantine officer, he is liable to a fine of \$5,000 or imprisonment for 2 years.

- Clause 71 - Extends the requirements under section 28 of the Quarantine Act for a master or a medical officer of an overseas vessel to answer questions put to them by a quarantine officer, to the master or medical officer of an overseas vessel arriving at an Australian installation and to the master of an overseas installation. Failure to answer such questions would attract a penalty of \$5,000 or imprisonment for 2 years.
- Clause 72 - Amends section 29 of the Quarantine Act to provide that the master of an off-shore installation subject to quarantine shall not quit, or allow any person, goods, mails or letters to leave the installation.
- Clause 73 - Extends section 30 of the Quarantine Act to provide that no person, who is not a quarantine officer, shall leave an installation, unless authorized to do so by a quarantine officer.
- Clause 74 - Amends section 31 of the Quarantine Act to authorize a constable or an authorized person to apprehend any person subject to quarantine who has quit an installation that is subject to quarantine.
- Clause 75 - Amends section 33 of the Quarantine Act to enable pratique granted to overseas vessels to have effect at Australian installations. Under this section pratique could be limited to installations so that vessels given permission to go direct to an installation would have to then proceed to a first port of entry for quarantine clearance if further stops in Australia were proposed. Section 33, which relates to the granting of pratique to overseas vessels, will not cover the granting of pratique to overseas installations. This will be provided for in new section 33A.
- Clause 76 - Inserts new section 33A in the Quarantine Act to provide for the granting of pratique to overseas installations.

New sub-section 33A(1) enables pratique to be granted to an overseas installation that is free from infection. Pratique shall have effect at the place where the installation is situated and such other places considered appropriate.

New sub-section 33A(2) enables pratique to be granted by way of a certificate or by giving the master of an installation particulars of the pratique by radio message or otherwise.



Where pratique is granted otherwise than by certificate, a certificate of pratique is to be given to the master as soon as practicable after the installation is attached to the Australian seabed.

New sub-sections 33A(3) and 33A(4) provide that pratique may be granted for a specified period and may relate to all quarantine measures or to specified quarantine measures.

Clause 77 - Amends section 35 of the Quarantine Act to enable an overseas installation which is, or is likely to be, infected with a quarantinable disease or a source of infection, to be ordered into quarantine. It would also amend the section to enable persons on overseas installations who have not been successfully vaccinated against any prescribed disease within the prescribed period to be ordered into quarantine.

This clause also inserts new sub-section 35(2A) which provides that after an overseas installation has arrived in Australian waters from a proclaimed place it shall be ordered into quarantine.

Clause 78 - Inserts new sub-section 35A(6) in the Quarantine Act to extend the provisions of section 35A which relate to vessels having communicable diseases on board, to installations. Any quarantine measures certified by a quarantine officer as necessary to prevent the spread of the communicable disease must be taken and persons on board the relevant vessel or installation who are suffering from the disease or have been exposed to infection may be ordered into quarantine and removed to a quarantine station. No person suffering from a communicable disease may leave a vessel or installation without the written permission of a quarantine officer.

Clause 79 - Inserts new provisions in section 36 of the Quarantine Act to provide that when an off-shore installation has been ordered into quarantine, the master shall cause the installation and all persons and goods on board it to be conveyed to such place as a quarantine officer directs to perform quarantine. A penalty of \$10,000 or imprisonment for 5 years could be imposed for failure to comply with the quarantine officer's direction.

- Clause 80 - Amends section 37 of the Quarantine Act to provide that off-shore installations ordered into quarantine which are not actually in a quarantine station shall be deemed to be in quarantine.
- Clause 81 - Inserts new sub-section 38(1A) in the Quarantine Act to authorize a quarantine officer to request the master of an off-shore installation ordered into quarantine to produce and deliver documents he has in his possession or control. A failure to comply with a quarantine officer's request could result in a \$2,000 fine or imprisonment for one year.
- Clause 82 - Extends section 39 of the Quarantine Act, which provides that every vessel in quarantine shall perform quarantine at an appointed quarantine station, to provide that every off-shore installation in quarantine shall perform quarantine at a place directed by a quarantine officer.
- Clause 83 - Amends section 40 of the Quarantine Act to provide that an off-shore installation in quarantine shall not be moved except in accordance with the requirements of the Act or regulations.
- The clause also inserts new sub-section 40(2) to authorize a quarantine officer to permit an installation in quarantine to be taken to the place at which it is to be attached to the Australian seabed. This would allow the installation to perform quarantine at that place.
- Clause 84 - Extends to installations section 43 of the Quarantine Act which provides that a vessel may be ordered into quarantine to be cleansed, disinfected or treated as directed and that the master of such a vessel shall cause the directions to be carried out.
- Clause 85 - Extends the application of section 44 of the Quarantine Act to off-shore installations. That section provides that no person shall land or unship goods from a vessel in quarantine and no person shall knowingly receive or have in his possession any such goods. A penalty of \$10,000 or imprisonment for 5 years is provided for a breach of this section.

- Clause 86 - Extends sub-section 44A(5) of the Quarantine Act to provide that, except with the permission of a quarantine officer, a person shall not land goods that are subject to quarantine at a place other than a part of the precincts of a wharf or airport approved by a Chief Quarantine Officer or an Australian installation.
- Clause 87 - Extends sub-section 44B(1) of the Quarantine Act so that goods subject to quarantine that have been landed on an installation cannot be moved from the installation, while they remain subject to quarantine, without the permission of a quarantine officer.
- Clause 88 - Extends section 45 of the Quarantine Act to enable persons who have been ordered into quarantine to be detained on an off-shore installation for the performance of quarantine.
- Clause 89 - Amends section 46 of the Quarantine Act to provide that when an off-shore installation has performed quarantine it shall be released from quarantine.
- Clause 90 - Amends section 47 of the Quarantine Act to enable goods on an off-shore installation which have been ordered into quarantine to be detained on the installation for the purpose of performing quarantine.
- Clause 91 - Amends section 50 of the Quarantine Act which would prohibit animals or plants being landed at an off-shore installation. The amendment provides that imported animals or plants may be landed on an Australian installation if the Minister has given written permission to do so.
- Clause 92 - Extends section 51 of the Quarantine Act to prohibit imported animals or plants, and any hay, straw, fodder, litter, fittings, clothing, utensils, appliances or packages used on any installation in connexion with such animals or plants, until released from quarantine, from being moved or interfered with except in accordance with the Act or the Regulations. A penalty of \$2,000 or imprisonment for 5 years is provided for a breach of this section.
- Clause 93 - Inserts new section 52A in the Quarantine Act to enable a quarantine officer to examine any animal or plant that is subject to quarantine and any animal or plant on an Australian installation. If an animal or plant presents a disease risk it will be ordered into quarantine.

Clause 60 will deem any animals that arrive at an installation, other than on a vessel, to be subject to quarantine. The presence of off-shore installation would attract bird life and very likely provide resting places which could enable diseased birds, not otherwise capable of flying long distances, to reach Australia. The section will deem them to be subject to quarantine and authorize any necessary action to minimise the quarantine risk.

- Clause 94 - Amends section 55A of the Quarantine Act by extending a quarantine officer's power to examine and order certain infected or contaminated goods into quarantine to include a power to examine goods that have been on board an overseas or an Australian installation.
- Clause 95 - Inserts new section 58A in the Quarantine Act to provide that in Part V of the Act, which relates to the quarantine of animals and plants, a reference to a vessel includes a reference to an installation.
- Clause 96 - Extends section 59 of the Quarantine Act to provide that the master, owner and agent of any vessel from which a person is removed to perform quarantine shall be responsible for the conveyance of such persons from the quarantine station to their places of destination, even where that place is not a first port of entry.

Section 59 is also amended to provide that where expenses are incurred in performing quarantine, as required by the section, by any vessels, amongst others, trading exclusively between Australian ports and Australian installations, the Governor-General may direct that those expenses shall be borne by the Commonwealth. Generally such expenses are the responsibility of the owner, master and agent of the vessel.

- Clause 97 - Amends section 61 of the Quarantine Act to provide that the owners and agents of any vessel shall be liable for expenses incurred by the Commonwealth in providing persons with passages to their ports or places of destination, where such persons have been removed from a vessel to perform quarantine.

Clause 98 - Inserts new section 70AA in the Quarantine Act to empower quarantine officers and authorized persons to board and inspect any installation, to inspect any animals, plants or goods on board the installation, or to inspect any papers relating to persons, animals, plants or goods on board the installation.

There are already similar powers in the Quarantine Act in relation to inspection of vessels.

Clause 99 - Inserts new sub-section 70A(5) in the Quarantine Act to extend the provisions of section 70A to empower quarantine officers to search baggage that has been taken off an overseas installation and to question the owner or carrier of the baggage.

Clause 100 - Inserts new sub-section 71(3) in the Quarantine Act to extend the provisions of section 71 to installations on which there are goods, including animals and plants, subject to quarantine. Section 71 provides that a quarantine officer is entitled to remain on board a vessel for such time as he considers necessary to inspect the vessel and examine goods on board the vessel and the master of a vessel shall provide suitable food and accommodation if required by a quarantine officer.

Clause 101 - Inserts new sub-section 72(7) in the Quarantine Act to extend the provisions of section 72 to installations on which there are goods, including animals and plants, subject to quarantine. Section 72 provides that passengers on a vessel are to be informed by the master of the vessel that a muster is to be held for a quarantine inspection. Passengers are required by the section to attend such a muster, to answer questions asked by a quarantine officer concerning their health and to submit to medical examinations if required to do so by a quarantine officer,

Clause 102 - Inserts new sub-section 73(4) in the Quarantine Act to extend the provisions of section 73 to installations on which there are goods, including animals and plants, subject to quarantine. Section 73 provides that a quarantine officer may ask the master or medical officer of a vessel any questions concerning any sickness on board the vessel or the sanitary condition of the vessel. He may also ask any person subject to quarantine any questions concerning his personal health or liability to infection.

- Clause 103 - Inserts new sub-section 74(3) in the Quarantine Act to extend the provisions of section 74 to installations on which there are goods, including animals and plants, subject to quarantine. Section 74 empowers a quarantine officer to affix notices relating to quarantine on any part of any vessel subject to quarantine.
- Clause 104 - Amends section 74AA of the Quarantine Act to provide that where a vessel leaves a place outside Australia to travel to an Australian port or an Australian installation without stopping en route, the master shall notify the passengers of the Commonwealth's quarantine measures.
- Clauses 105-106 - Amends the definition of "premises" in sections 74AB, 74A and 74B in the Quarantine Act to include installations. These amendments would give a quarantine officer the power to enter and search an installation for infected goods and for documents and to carry out an examination authorised by the Act.
- Clause 107 - Amends section 74D of the Quarantine Act so that vehicles includes vessels. Section 74D authorises a quarantine officer to direct (including stop or detain) a person in control of a vehicle carrying infected goods or goods subject to quarantine to take measures in respect of a vehicle or goods to prevent the spread of disease.
- Clause 108 - Inserts new sub-section 78A(4) in the Quarantine Act to provide that a quarantine officer may order any overseas installation to be cleansed, fumigated, disinfected or treated to his satisfaction. A master who does not comply with such an order may be subject to a \$5,000 fine or imprisonment for 2 years.
- Clause 109 - Extends section 83 of the Quarantine Act to provide that the master or medical officer of an overseas installation who misleads a quarantine officer shall be guilty of an offence punishable by a fine not exceeding \$5,000 or imprisonment for not more than 2 years.
- Clause 110 - Extends section 84 of the Quarantine Act to provide that a quarantine officer who maliciously and without reasonable cause orders an overseas installation into quarantine shall be guilty of an offence punishable by imprisonment for not more than 2 years.

- Clause 111 - Inserts new section 86B in the Quarantine Act whereunder the jurisdiction of State and Territory courts is extended to have effect without limitation (other than Constitutional) as to locality so that jurisdiction may be exercised in matters arising under the Act including those that arise in relation to contraventions occurring at, or in respect of, off-shore installations.
- Clause 112 - Amends section 87 of the Quarantine Act to empower the Governor-General to make regulations prescribing the precautions to be taken by masters of vessels on voyages between Australian ports and Australian installations and also regulating and controlling the sanitary conditions of Australian installations.

The clause also inserts a new sub-section 87(4) to provide that a reference in the section to a vessel includes a reference to an installation.

PART VIII - AMENDMENTS OF THE SALES TAX ASSESSEMENT ACT  
(NO. 1) 1930

- Clause 113 - Identifies the Sales Tax Assessment Act (No. 1) 1930 as the Principal Act for the purposes of Part VIII of the Bill.
- Clause 114 - Contains new definitions and interpretation provisions to be inserted into the Principal Act.

PART IX - AMENDMENT OF THE SALES TAX ASSESSMENT ACT  
(NO. 5) 1930

- Clause 115 - Identifies the Sales Tax Assessment Act (No. 5) 1930 as the Principal Act for the purposes of Part IX of the Bill.
- Clause 116 - Redefines the definition of the "Collector of Customs" contained in section 2A of the Principal Act.

