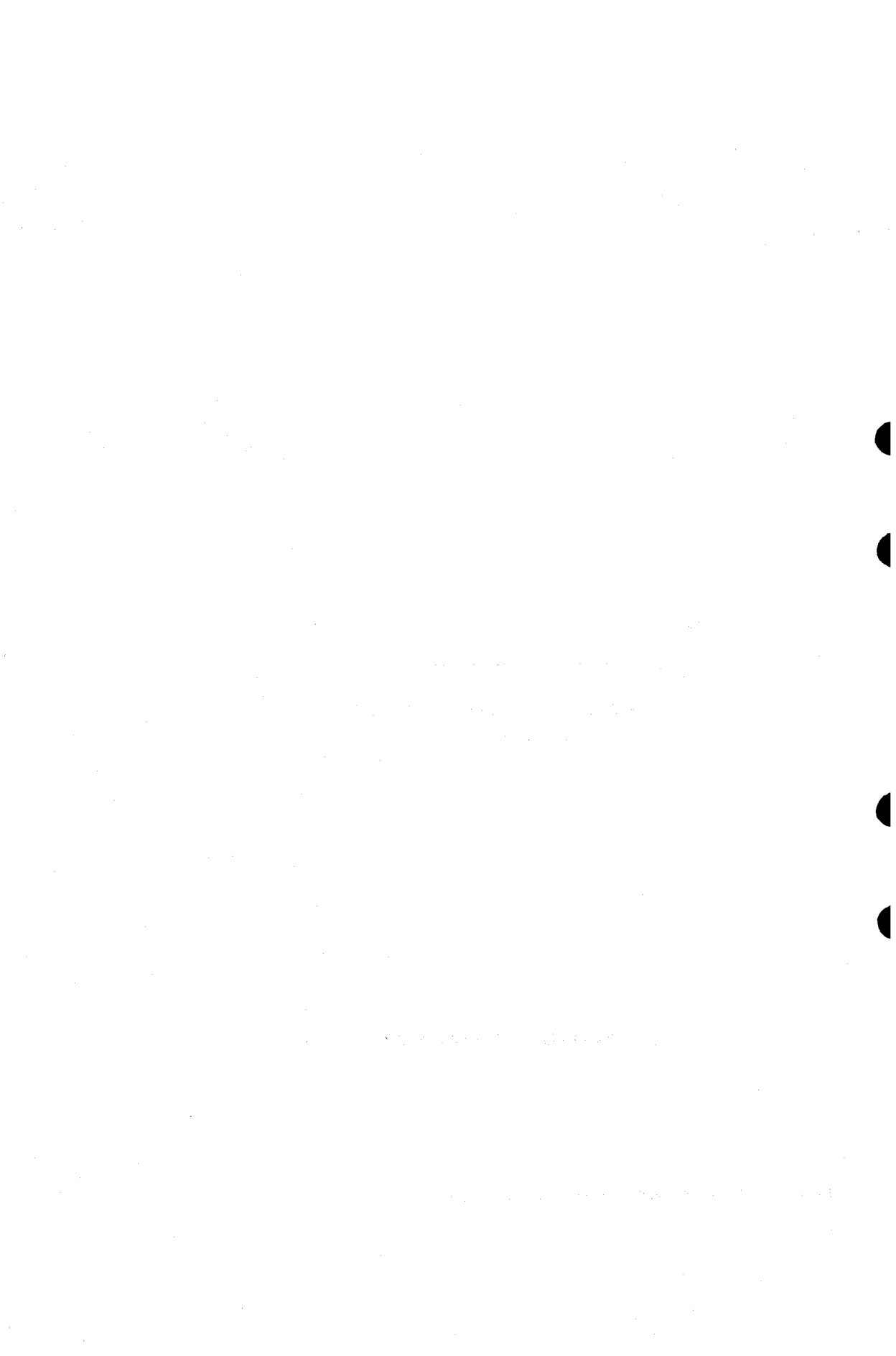


1982

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

PETROLEUM (SUBMERGED LANDS)
AMENDMENT BILL 1982

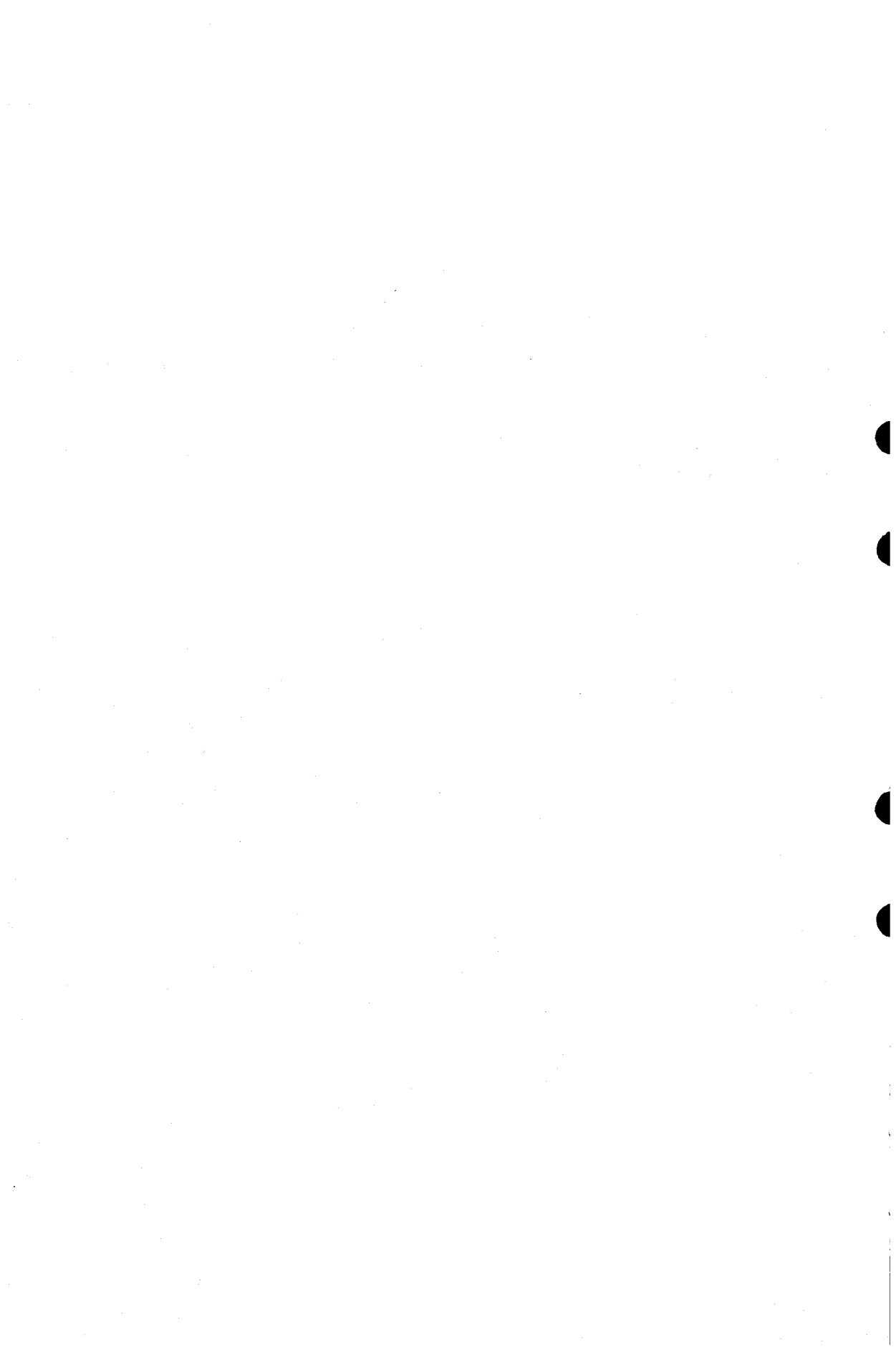
EXPLANATORY MEMORANDUM



PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 1982

PURPOSE

This Bill will amend the Petroleum (Submerged Lands) Act 1967 by creating in Bass Strait an area to be avoided by Australian ships over 200 tons gross tonnage, providing for penalties for unauthorised entry and granting powers of enforcement to authorised persons. At present the Act, in accordance with the Convention on the Continental Shelf, allows 500 metre safety zones to be declared around offshore installations, but the larger "area to be avoided" will further reduce the risk of collision by large vessels with the oil and gas installations or of damage to the submarine pipelines in Bass Strait.



Clause 1

Short Title etc

The Act may be cited as the Petroleum (Submerged Lands) Amendment Act 1982, and the Principal Act to which it refers is the Petroleum (Submerged Lands) Act 1967.

Clause 2

Commencement

The Act will come into operation on a date to be proclaimed.

Clause 3

Insertion of new Division

A new Division 6A, dealing with the newly created area to be avoided and the safety zones, is inserted after the existing Division 6 of Part III of the Principal Act. The principal features of the new Division are as follows:

Interpretation

Section 140A defines a number of terms introduced by the provisions of this new Division and also explains certain references and actions mentioned in these provisions. The area to be avoided is defined to be the area described in Schedule 6, excluding safety zones and excluding the 3 nautical mile territorial sea. The vessels to which the new provisions apply are defined as Australian vessels over 200 tons gross tonnage or vessels the length of which is equal to or greater than 24 metres.

Designated Authority may authorise entry into area to be avoided

Section 140B allows the Designated Authority to permit entry into the area to be avoided by a vessel upon application by its owner, subject to such conditions as may be specified. Provision is also made, in sub-section (4), for revocation of such an authority.

Unauthorised vessel not to enter area to be avoided

Section 140C provides that where a vessel enters or remains in the area to be avoided without proper authorisation, the owner, the master and any other officer who may have been in charge at the time of the offence may be liable to a fine up to \$50,000 and/or imprisonment up to 5 years. Under sub-section (2) provision is made for a possible defence on the grounds that the vessel entered or remained in the area to be avoided due to an unforeseen emergency endangering the safety of the vessel or of human life, circumstances beyond the control of the person in charge, that the person charged acted under the master's orders or that the vessel was a vessel that at the time was exempt in accordance with the provisions of section 119 relating to safety zones.

Powers of authorised persons

Section 140D sets out the powers of an authorised person, as defined in sub-section 140A(1), in respect of vessels in or near a safety zone or the area to be avoided or suspected of having contravened the provisions of sections 119 or 140C. These powers include boarding such vessels, requesting or searching for relevant information or documents, requiring removal of a vessel from the area to be avoided or safety zone, measuring a vessel, requiring a disabled vessel to accept a tow or any other assistance considered necessary or detaining a suspected vessel.

Sub-section (2) provides for fines up to \$5,000 for persons who fail to facilitate the boarding of a vessel by an authorised person, refuse to allow a search to be made or to comply with another requirement under sub-section (1), give false or misleading information, or resist or obstruct an authorised person in the performance of his functions under sub-section (1).

Clause 4

Insertion of new Schedule

A new Schedule 6 is added to the Principal Act setting out the boundaries of the area that includes the area to be avoided referred to in sub-section 140A(2).

