



Offshore Petroleum (Repeals and Consequential Amendments) Act 2006

No. 17, 2006

**An Act to deal with consequential matters arising
from the repeal of the *Petroleum (Submerged
Lands) Act 1967* and the enactment of the *Offshore
Petroleum Act 2006*, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2
Schedule 1—Repeals		3
	<i>Petroleum (Submerged Lands) Act 1967</i>	3
	<i>Petroleum (Submerged Lands) Fees Act 1994</i>	3
	<i>Petroleum (Submerged Lands) (Registration Fees) Act 1967</i>	3
	<i>Petroleum (Submerged Lands) (Royalty) Act 1967</i>	3
Schedule 2—Consequential amendments		4
	<i>Administrative Decisions (Judicial Review) Act 1977</i>	4
	<i>Australian Energy Market Act 2004</i>	4
	<i>Australian Postal Corporation Act 1989</i>	5
	<i>Coastal Waters (Northern Territory Powers) Act 1980</i>	5
	<i>Coastal Waters (State Powers) Act 1980</i>	5
	<i>Coral Sea Islands Act 1969</i>	5
	<i>Corporations Act 2001</i>	6
	<i>Crimes at Sea Act 2000</i>	6
	<i>Customs Act 1901</i>	6
	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	7
	<i>Excise Tariff Act 1921</i>	7
	<i>Gas Pipelines Access (Commonwealth) Act 1998</i>	7
	<i>Historic Shipwrecks Act 1976</i>	8
	<i>Income Tax Assessment Act 1936</i>	9
	<i>Income Tax Assessment Act 1997</i>	9
	<i>International Tax Agreements Act 1953</i>	10
	<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	10
	<i>Migration Act 1958</i>	10
	<i>National Occupational Health and Safety Commission Act 1985</i>	10
	<i>Navigation Act 1912</i>	11
	<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>	11
	<i>Offshore Minerals Act 1994</i>	11

<i>Petroleum Excise (Prices) Act 1987</i>	13
<i>Petroleum Resource Rent Tax Assessment Act 1987</i>	13
<i>Quarantine Act 1908</i>	18
<i>Radiocommunications Act 1992</i>	18
<i>Sea Installations Act 1987</i>	19
<i>Telecommunications Act 1997</i>	19
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	20
<i>Trade Practices Act 1974</i>	20
Schedule 3—Other matters	21



Offshore Petroleum (Repeals and Consequential Amendments) Act 2006

No. 17, 2006

An Act to deal with consequential matters arising from the repeal of the *Petroleum (Submerged Lands) Act 1967* and the enactment of the *Offshore Petroleum Act 2006*, and for other purposes

[Assented to 29 March 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Offshore Petroleum (Repeals and Consequential Amendments) Act 2006*.

2 Commencement

- (1) Each provision of this Act 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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	29 March 2006
2. Schedules 1 to 3	At the same time as Chapter 2 of the <i>Offshore Petroleum Act 2006</i> commences.	

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

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

Schedule 1—Repeals

Petroleum (Submerged Lands) Act 1967

1 The whole of the Act

Repeal the Act.

Petroleum (Submerged Lands) Fees Act 1994

2 The whole of the Act

Repeal the Act.

Petroleum (Submerged Lands) (Registration Fees) Act 1967

3 The whole of the Act

Repeal the Act.

Petroleum (Submerged Lands) (Royalty) Act 1967

4 The whole of the Act

Repeal the Act.

Schedule 2—Consequential amendments

Administrative Decisions (Judicial Review) Act 1977

1 At the end of clause 2 of Schedule 3

Add:

- ; (g) the *Petroleum (Submerged Lands) Act 1982* of Victoria;
- (h) the *Petroleum (Submerged Lands) Act 1982* of Queensland;
- (i) the *Petroleum (Submerged Lands) Act 1982* of Tasmania;
- (j) the *Petroleum (Submerged Lands) Act* of the Northern Territory.

Australian Energy Market Act 2004

2 Subsection 3(1) (definition of *adjacent area*)

Repeal the definition.

3 Subsection 3(1)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*.

4 Subparagraph 6(a)(i)

Omit “adjacent area”, substitute “offshore area”.

Note 1: The heading to section 6 is altered by omitting “adjacent areas” and substituting “offshore areas”.

Note 2: The heading to section 7 is altered by omitting “adjacent areas” and substituting “offshore areas”.

Note 3: The heading to section 8 is altered by omitting “adjacent areas” and substituting “offshore areas”.

5 Paragraph 12(a)

Omit “adjacent area”, substitute “offshore area”.

Note: The heading to section 12 is altered by omitting “adjacent areas” and substituting “offshore areas”.

Australian Postal Corporation Act 1989

6 Subsections 9(1), (2) and (3)

Omit “adjacent areas” (wherever occurring), substitute “offshore areas”.

Note: The heading to section 9 is altered by omitting “**adjacent areas**” and substituting “**offshore areas**”.

7 Subsection 9(3)

Omit “adjacent area”, substitute “offshore area”.

8 Subsection 9(4) (definition of *adjacent area*)

Repeal the definition.

9 Subsection 9(4)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*.

Coastal Waters (Northern Territory Powers) Act 1980

10 Subsection 3(1) (definition of *adjacent area in respect of the Territory*)

Omit “is described under the heading referring to the Territory in Schedule 2 to the”, substitute “was described under the heading referring to the Territory in Schedule 2 to the repealed”.

Coastal Waters (State Powers) Act 1980

11 Subsection 3(1) (definition of *adjacent area in respect of the State*)

Omit “is described under the heading referring to that State in Schedule 2 to the”, substitute “was described under the heading referring to that State in Schedule 2 to the repealed”.

Coral Sea Islands Act 1969

12 Subsection 8(3)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

Corporations Act 2001

13 Section 9 (paragraph (b) of the definition of coastal sea)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

Crimes at Sea Act 2000

14 Clause 14 of Schedule 1

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*” (wherever occurring), substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

15 Paragraph 14(2)(b) of Schedule 1

Omit “subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”, substitute “subsection 7(2) of the *Offshore Petroleum Act 2006*”.

16 Paragraph 14(4)(b) of Schedule 1

Omit “adjacent area”, substitute “offshore area”.

17 Paragraph 14(4)(b) of Schedule 1

Omit “subsection (3) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”, substitute “subsection 7(1) of the *Offshore Petroleum Act 2006*”.

Customs Act 1901

18 Subsection 4(1) (subparagraph (a)(i) of the definition of *Australian seabed*)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

19 Subsection 4(1) (definition of *Coral Sea area*)

Omit “the *Petroleum (Submerged Lands) Act 1967*”, substitute “section 7 of the *Offshore Petroleum Act 2006*”.

20 Paragraphs 8(2)(a) and (3)(a)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

Environment Protection and Biodiversity Conservation Act 1999

21 Paragraph 524(3)(f)

Repeal the paragraph, substitute:

(f) the *Offshore Petroleum Act 2006*;

Excise Tariff Act 1921

22 Subsection 3(1) (definition of *excluded liquid petroleum area*)

Repeal the definition.

23 Subsection 3(1) (definition of *exploration permit*)

Repeal the definition.

24 Subsection 3(1) (definition of *production licence*)

Repeal the definition.

Gas Pipelines Access (Commonwealth) Act 1998

25 Subsection 5(1) (definition of *adjacent area*)

Repeal the definition.

26 Subsection 5(1) (definition of *Gas Pipelines Access (Commonwealth) Law*)

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

27 Subsection 5(1) (definition of *Gas Pipelines Access (Commonwealth) Regulations*)

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

28 Subsection 5(1)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*.

29 Subsection 5(1) (definition of P(SL) Act)

Repeal the definition.

30 Section 8

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

Note: The heading to section 8 is altered by omitting “**adjacent areas**” and substituting “**offshore areas**”.

31 Section 9

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

Note: The heading to section 9 is altered by omitting “**adjacent areas under P(SL) Act**” and substituting “**offshore areas under the *Offshore Petroleum Act 2006***”.

32 Section 9

Omit “subsection 9(1A) or 11(1A) of the P(SL) Act”, substitute “section 69 of the *Offshore Petroleum Act 2006*”.

33 Section 10

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

Note: The heading to section 10 is altered by omitting “**adjacent areas under P(SL) Act**” and substituting “**offshore areas under the *Offshore Petroleum Act 2006***”.

34 Section 10

Omit “subsection 9(1A) or 11(1A) of the P(SL) Act”, substitute “section 69 of the *Offshore Petroleum Act 2006*”.

35 Subsection 11(1)

Omit “subsection 9(1) or 11(1) of the P(SL) Act”, substitute “subsection 59(1) of the *Offshore Petroleum Act 2006*”.

36 Section 11

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

Historic Shipwrecks Act 1976

37 Subsection 3(5)

Omit “is described under the heading referring to that State or Territory in Schedule 2 to the”, substitute “was described under the heading referring to that State or Territory in Schedule 2 to the repealed”.

Income Tax Assessment Act 1936**38 Subsection 6AA(1)**

Omit “Petroleum Act adjacent area” (wherever occurring), substitute “Petroleum Act offshore area”.

39 Paragraph 6AA(4)(e)

Repeal the paragraph, substitute:

(e) ***Petroleum Act offshore area*** means:

- (i) an area that is an offshore area for the purposes of the *Offshore Petroleum Act 2006*; and
- (ii) the Joint Petroleum Development Area within the meaning of the *Petroleum (Timor Sea Treaty) Act 2003*.

40 Application—section 6AA of the *Income Tax Assessment Act 1936*

The amendments of section 6AA of the *Income Tax Assessment Act 1936* made by this Schedule apply in relation to events that occur, and circumstances that arise, after the commencement of this item.

Income Tax Assessment Act 1997**41 Paragraph 40-865(1)(b)**

Omit “an adjacent area”, substitute “a Petroleum Act offshore area or an Installations Act adjacent area”.

42 Application—paragraph 40-865(1)(b) of the *Income Tax Assessment Act 1997*

The amendment of paragraph 40-865(1)(b) of the *Income Tax Assessment Act 1997* made by this Schedule applies in relation to events that occur, and circumstances that arise, after the commencement of this item.

International Tax Agreements Act 1953

43 After subsection 3(7)

Insert:

- (7A) For the purposes of this Act, a reference in the Japanese agreement to an area adjacent to Australia as specified in the Second Schedule to the *Petroleum (Submerged Lands) Act 1967-1968* is to be read as including a reference to an area adjacent to Australia as specified in Schedule 1 to the *Offshore Petroleum Act 2006*.

Maritime Transport and Offshore Facilities Security Act 2003

44 Section 10 (definition of petroleum)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

45 Paragraph 17C(2)(d)

Omit “Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 3 to the *Offshore Petroleum Act 2006*”.

Migration Act 1958

46 Subsection 5(1) (subparagraph (a)(i) of the definition of Australian seabed)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

47 Subsection 5(1) (definition of Coral Sea area)

Omit “the *Petroleum (Submerged Lands) Act 1967*”, substitute “section 7 of the *Offshore Petroleum Act 2006*”.

National Occupational Health and Safety Commission Act 1985

48 Subsections 4(3), (4) and (5)

Omit “adjacent areas” (wherever occurring), substitute “offshore areas”.

49 Subsection 4(5)

Omit “adjacent area”, substitute “offshore area”.

50 Subsection 4(6) (definition of *adjacent area*)

Repeal the definition.

51 Subsection 4(6)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*, but does not include an area that is within Australia.

Navigation Act 1912

52 Subsection 283K(1)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

Note: The heading to section 283K is altered by omitting “*Petroleum (Submerged Lands) Act 1967*” and substituting “*Offshore Petroleum Act 2006*”.

53 Subsection 283K(1)

Omit “101”, substitute “305”.

Occupational Health and Safety (Maritime Industry) Act 1993

54 Section 4 (paragraph (a) of the definition of *prescribed ship*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

Offshore Minerals Act 1994

55 Readers guide (first asterisk-point under the heading “Basic concepts”)

Omit “(an *adjacent area* if you are already familiar with the *Petroleum (Submerged Lands) Act 1967*)”, substitute “(an *offshore area* if you are already familiar with the *Offshore Petroleum Act 2006*)”.

56 Section 3

Omit “*Petroleum (Submerged Lands) Act 1967*” (wherever occurring), substitute “*Offshore Petroleum Act 2006*”.

57 Subsection 13(1)

Omit “adjacent area” (first occurring), substitute “offshore area”.

58 Subsection 13(1)

Omit “*Petroleum (Submerged Lands) Act 1967*” (first occurring), substitute “*Offshore Petroleum Act 2006*”.

59 Subsection 13(1) (note)

Omit “*adjacent area*”, substitute “*offshore area*”.

60 Subsection 13(1) (note)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

61 Subsection 13(1) (note)

Omit “Schedule 2 to that Act”, substitute “Schedule 1 to that Act”.

62 Subsection 13(1) (note)

Omit all the words after “The map in”, substitute “subsection 5(3) of that Act illustrates the offshore areas.”.

63 Subsection 14(1)

Omit “adjacent area” (first occurring), substitute “offshore area”.

64 Subsection 14(1)

Omit “*Petroleum (Submerged Lands) Act 1967*” (wherever occurring), substitute “*Offshore Petroleum Act 2006*”.

65 Subsection 14(1) (note 1)

Omit “*adjacent area*”, substitute “*offshore area*”.

66 Subsection 14(1) (note 1)

Omit “Schedule 2”, substitute “Schedule 1”.

67 Subsection 14(1) (note 2)

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

68 Subsection 14(2) (note)

Repeal the note, substitute:

Note: Under the *Offshore Petroleum Act 2006*, the Coral Sea area is treated as being part of the offshore area for Queensland. Therefore, in this Act, the Coral Sea area is part of the Commonwealth-Queensland offshore area.

69 Subsection 16(1)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

70 Section 35 (note 2)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

71 Schedule 2

Repeal the Schedule.

Petroleum Excise (Prices) Act 1987

72 Subsection 4(1) (paragraph (b) of the definition of *oil producer*)

Omit “licensee within the meaning of the *Petroleum (Submerged Lands) Act 1967*”, substitute “production licensee within the meaning of the *Offshore Petroleum Act 2006*”.

Petroleum Resource Rent Tax Assessment Act 1987

73 Section 2 (definition of *access authority*)

Repeal the definition, substitute:

access authority has the same meaning as in the *Offshore Petroleum Act 2006*.

74 Section 2 (definition of *block*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

75 Section 2 (definition of *certifying Minister*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

76 Section 2 (definition of *designated frontier expenditure*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

77 Section 2 (definition of *excluded fee*)

Repeal the definition, substitute:

excluded fee means an amount of a kind referred to in paragraph 91(1)(c), subsection 93(5), paragraph 96(1)(c), subsection 150(4) or paragraph 153(1)(c) of the *Offshore Petroleum Act 2006*.

78 Section 2 (definition of *exploration permit*)

Repeal the definition, substitute:

exploration permit has the same meaning as in the *Offshore Petroleum Act 2006*.

79 Section 2 (definition of *exploration permit area*)

Repeal the definition, substitute:

exploration permit area has the same meaning as in the *Offshore Petroleum Act 2006*.

80 Section 2 (definition of *holder of a registered interest*)

Omit “subsection 81(12) of the *Petroleum (Submerged Lands) Act 1967*”, substitute “subsection 276(3) of the *Offshore Petroleum Act 2006*”.

81 Section 2 (definition of *petroleum*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

82 Section 2 (definition of *pipeline licence*)

Repeal the definition, substitute:

pipeline licence has the same meaning as in the *Offshore Petroleum Act 2006*.

83 Section 2 (definition of *production licence*)

Repeal the definition, substitute:

production licence has the same meaning as in the *Offshore Petroleum Act 2006*.

84 Section 2 (definition of *production licence area*)

Repeal the definition, substitute:

production licence area has the same meaning as in the *Offshore Petroleum Act 2006*.

85 Section 2 (definition of *registered holder*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

86 Section 2 (definition of *retention lease*)

Repeal the definition, substitute:

retention lease has the same meaning as in the *Offshore Petroleum Act 2006*.

87 Section 2 (definition of *retention lease area*)

Repeal the definition, substitute:

retention lease area has the same meaning as in the *Offshore Petroleum Act 2006*.

88 Section 3

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

89 Section 3

Omit “section 6A”, substitute “Division 3 of Part 1.2”.

90 Paragraph 34A(1)(a)

Omit “subsection 41(3) of the *Petroleum (Submerged Lands) Act 1967*”, substitute “subsection 222(7) of the *Offshore Petroleum Act 2006*”.

91 Paragraphs 36A(a), (b) and (c)

Before “*Petroleum (Submerged Lands) Act 1967*”, insert “repealed”.

92 Subsection 36B(1)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Offshore Petroleum Act 2006*”.

93 Subsection 36B(6) (definition of *potential exploration permit area*)

Omit “Division 2 of Part III of the *Petroleum (Submerged Lands) Act 1967*”, substitute “Part 2.2 of the *Offshore Petroleum Act 2006*”.

94 Clause 1 of the Schedule (paragraphs (a) and (b) of the definition of *relevant pre-commencement day*)

Omit “subsection 41(3) of the *Petroleum (Submerged Lands) Act 1967*”, substitute “subsection 222(7) of the *Offshore Petroleum Act 2006*”.

95 Transitional—pre-commencement events and circumstances

For the purposes of the application of:

- (a) the *Petroleum Resource Rent Tax Assessment Act 1987* (the ***PRRTA Act***); or
- (b) an Act with which the PRRTA Act is incorporated;

to events that occurred, and circumstances that arose, before the commencement of this item:

- (c) each of the following definitions in section 2 of the PRRTA Act has effect as if the defined expression included anything that was covered by the definition as in force before the commencement of this item:
 - (i) the definition of ***access authority***;
 - (ii) the definition of ***block***;
 - (iii) the definition of ***certifying Minister***;

-
- (iv) the definition of *designated frontier expenditure*;
 - (v) the definition of *excluded fee*;
 - (vi) the definition of *exploration permit*;
 - (vii) the definition of *exploration permit area*;
 - (viii) the definition of *holder of a registered interest*;
 - (ix) the definition of *petroleum*;
 - (x) the definition of *pipeline licence*;
 - (xi) the definition of *production licence*;
 - (xii) the definition of *production licence area*;
 - (xiii) the definition of *registered holder*;
 - (xiv) the definition of *retention lease*;
 - (xv) the definition of *retention lease area*; and
- (d) section 3 of the PRRTA Act has effect as if:
- (i) a reference in that section to the *Offshore Petroleum Act 2006* included a reference to the repealed *Petroleum (Submerged Lands) Act 1967*; and
 - (ii) the reference in that section to Division 3 of Part 1.2 of the *Offshore Petroleum Act 2006* included a reference to section 6A of the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (e) paragraph 34A(1)(a) of the PRRTA Act has effect as if the reference in that paragraph to subsection 222(7) of the *Offshore Petroleum Act 2006* included a reference to subsection 41(3) of the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (f) subsection 36B(1) of the PRRTA Act has effect as if the reference in that subsection to the *Offshore Petroleum Act 2006* included a reference to the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (g) the definition of *potential exploration permit area* in subsection 36B(6) of the PRRTA Act has effect as if the reference in that definition to Part 2.2 of the *Offshore Petroleum Act 2006* included a reference to Division 2 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (h) the definition of *relevant pre-commencement day* in clause 1 of the Schedule to the PRRTA Act has effect as if a reference in that definition to subsection 222(7) of the *Offshore*
-

Petroleum Act 2006 included a reference to subsection 41(3) of the repealed *Petroleum (Submerged Lands) Act 1967*.

96 Transitional—section 36B of the *Petroleum Resource Rent Tax Assessment Act 1987*

- (1) This item applies to an instrument if:
 - (a) the instrument was in force immediately before the commencement of this item; and
 - (b) the instrument was made under subsection 36B(1) or (5) of the *Petroleum Resource Rent Tax Assessment Act 1987* (the **PRRTA Act**).
- (2) The instrument has effect, after the commencement of this item, as if:
 - (a) it had been made under the corresponding provision of the PRRTA Act as amended by this Act; and
 - (b) any requirement imposed by the PRRTA Act (as amended by this Act) in relation to the making of the instrument had been satisfied.
- (3) Subitem (2) does not prevent the instrument continuing to have effect for the purposes of the application of:
 - (a) the PRRTA Act; or
 - (b) an Act with which the PRRTA Act is incorporated;to events that occurred, and circumstances that arose, before the commencement of this item.

Quarantine Act 1908

97 Subsection 5(1) (subparagraph (a)(i) of the definition of *Australian seabed*)

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

98 Subsection 5(1) (definition of *Coral Sea area*)

Omit “the *Petroleum (Submerged Lands) Act 1967*”, substitute “section 7 of the *Offshore Petroleum Act 2006*”.

Radiocommunications Act 1992

99 Subsection 17(1)

Omit “adjacent areas” (wherever occurring), substitute “offshore areas”.

Note: The heading to section 17 is replaced by the heading “**Offshore areas**”.

100 Paragraph 17(2)(b)

Omit “adjacent area”, substitute “offshore area”.

101 Subsection 17(3) (definition of *adjacent area*)

Repeal the definition.

102 Subsection 17(3)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*.

Sea Installations Act 1987

103 Subsection 4(1) (definition of *Petroleum Act*)

Repeal the definition, substitute:

Petroleum Act means the *Offshore Petroleum Act 2006*.

104 Subsection 4(1) (paragraph (qa) of the definition of *sea installation*)

Omit “*Petroleum (Submerged Lands) Act 1967*”, substitute “*Petroleum Act*”.

105 Subsections 5(1) and (5)

Omit “Schedule 2”, substitute “Schedule 1”.

106 Paragraph 46(5)(a)

Omit “Schedule 2”, substitute “Schedule 1”.

107 Paragraph 47(5)(a)

Omit “Schedule 2”, substitute “Schedule 1”.

Telecommunications Act 1997

108 Subsection 11(1)

Omit “adjacent areas” (wherever occurring), substitute “offshore areas”.

Note: The heading to section 11 is altered by omitting “**adjacent areas**” and substituting “**offshore areas**”.

109 Subsections 11(2) and (3)

Omit “adjacent area” (wherever occurring), substitute “offshore area”.

110 Subsection 11(5) (definition of *adjacent area*)

Repeal the definition.

111 Subsection 11(5)

Insert:

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum Act 2006*.

Telecommunications (Consumer Protection and Service Standards) Act 1999

112 Paragraph 7(d)

Omit “adjacent areas”, substitute “offshore areas”.

Trade Practices Act 1974

113 Paragraph 4N(1)(b)

Omit “adjacent area”, substitute “offshore area”.

114 Paragraph 4N(1)(b)

Omit “section 5A of the *Petroleum (Submerged Lands) Act 1967*”, substitute “section 7 of the *Offshore Petroleum Act 2006*”.

115 Subsection 4N(2)

Repeal the subsection.

116 Subsection 4N(3)

Omit “adjacent areas”, substitute “offshore areas”.

Schedule 3—Other matters

1 Offence against section 96 of the repealed *Petroleum (Submerged Lands) Act 1967*

Section 96 of the repealed *Petroleum (Submerged Lands) Act 1967* is taken always to have had effect as if the penalty to that section had never been enacted.

*[Minister's second reading speech made in—
House of Representatives on 23 June 2005
Senate on 5 September 2005]*

(119/05)
