



Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019

No. 57, 2019

**An Act to amend laws relating to certain areas and
boundaries in the Timor Sea, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019

No. 57, 2019

**An Act to amend laws relating to certain areas and
boundaries in the Timor Sea, and for related
purposes**

[Assented to 7 August 2019]

The Parliament of Australia enacts:

1 Short title

This Act is the *Timor Sea Maritime Boundaries Treaty
Consequential Amendments Act 2019*.

No. 57, 2019 Timor Sea Maritime Boundaries Treaty Consequential Amendments 1
Act 2019

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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	7 August 2019
2. Schedule 1	The day the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018 enters into force for Australia. The Minister must announce, by notifiable instrument, the day the treaty enters into force.	
3. Schedule 2	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the Greater Sunrise Production Sharing Contract (within the meaning of the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018) comes into force.	
4. Schedule 3	The day the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018 enters into force for Australia.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation 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—Provisions commencing when new treaty comes into force

Part 1—Amendment of the Admiralty Act 1988

Admiralty Act 1988

1 Subsection 22(5) (note to the definition of *innocent passage*)

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

Part 2—Amendment of the Australian Jobs Act 2013

Australian Jobs Act 2013

2 Subparagraphs 7(1)(d)(i) and 117(1)(b)(i)

After “2006”, insert “and outside the Greater Sunrise special regime area (within the meaning of the *Seas and Submerged Lands Act 1973*)”.

Part 3—Amendment of the Australian Postal Corporation Act 1989

Australian Postal Corporation Act 1989

3 Subsection 9(4) (definition of offshore area)

Repeal the definition, substitute:

offshore area:

- (a) of a State or a Territory other than the Northern Territory, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
- (b) of the Northern Territory, has the same meaning as Principal Northern Territory offshore area has in that Act.

Part 4—Amendment of the Building and Construction Industry (Improving Productivity) Act 2016

Building and Construction Industry (Improving Productivity) Act 2016

4 Section 5

Insert:

Greater Sunrise special regime area has the same meaning as in
the *Seas and Submerged Lands Act 1973*.

5 At the end of section 11

Add:

Modifications relating to Greater Sunrise special regime area

- (3) Despite subsections (1) and (2), if the rules prescribe modifications of this Act, or specified provisions of this Act, for its operation under subsection (1) or (2) in relation to all or part of the Greater Sunrise special regime area then, so far as this Act would, apart from this subsection, extend to the area or part, it has effect as so modified.
- (4) For the purposes of subsection (3), the rules may prescribe different modifications relating to different parts of the Greater Sunrise special regime area.

Extension relating to Greater Sunrise special regime area

- (5) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*:
 - (a) an extension of this Act under subsection (1) of this section has effect; and
 - (b) an extension of this Act, or a provision of this Act, because of rules made for the purposes of subsection (2) of this section may (subject to those rules) have effect;

Schedule 1 Provisions commencing when new treaty comes into force

Part 4 Amendment of the Building and Construction Industry (Improving Productivity)

Act 2016

in relation to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area. This subsection has effect whether or not the extension is affected by subsection (3) of this section.

Part 5—Amendment of the Clean Energy Regulator Act 2011

Clean Energy Regulator Act 2011

6 Section 4 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

7 Section 9

Repeal the section, substitute:

9 Extension to Greater Sunrise special regime area

- (1) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area (within the meaning of that Act).
- (2) This section does not limit section 8.

Part 6—Amendment of the Climate Change Authority Act 2011

Climate Change Authority Act 2011

8 Section 4 (definition of Joint Petroleum Development Area)

Repeal the definition.

9 Section 9

Repeal the section, substitute:

9 Extension to Greater Sunrise special regime area

- (1) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area (within the meaning of that Act).
- (2) This section does not limit section 8.

Part 7—Amendment of the Crimes at Sea Act 2000

Division 1—Amendments

Crimes at Sea Act 2000

10 Section 4

Insert:

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

11 Section 4

Repeal the following definitions:

- (a) definition of *Joint Petroleum Development Area*;
- (b) definition of *petroleum*.

12 Section 4

Insert:

petroleum activities has the same meaning as Petroleum Activities has in the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

13 Part 3A (heading)

Omit “**East Timor**”, substitute “**Timor-Leste**”.

14 Section 6A (heading)

Omit “**Joint Petroleum Development Area**”, substitute “**Greater Sunrise special regime area**”.

15 Subsection 6A(1)

Omit “Joint Petroleum Development Area that is connected with, or arises out of, the exploration for, or exploitation of, petroleum resources”, substitute “Greater Sunrise special regime area that is connected with, or arises out of, petroleum activities”.

16 Paragraphs 6A(2)(b) and (c) and (3)(a), (b) and (c)

Omit “East Timor”, substitute “Timor-Leste”.

17 Subsection 6A(6)

Repeal the subsection, substitute:

- (6) The Commonwealth and Northern Territory laws of criminal investigation, procedure and evidence from time to time apply to a criminal act done in the Greater Sunrise special regime area that is connected with, or arises out of, petroleum activities in the same way as those laws would apply to a maritime offence under clause 3 of Schedule 1 if in paragraph (2)(b) of that clause:
- (a) a reference to a State or to the State were a reference to the Northern Territory; and
 - (b) the reference to the area of administrative responsibility for the relevant State were a reference to the Greater Sunrise special regime area.

18 Subsection 6A(7) (definition of State)

Repeal the definition.

19 Section 6B (heading)

Omit “East Timor”, substitute “Timor-Leste”.

20 Subsection 6B(1)

Omit “East Timor” (first and second occurring), substitute “Timor-Leste”.

21 Subsection 6B(1)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

22 Subparagraphs 6B(1)(b)(iii) and (iv)

Omit “East Timor”, substitute “Timor-Leste”.

23 Section 6C (heading)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

24 Subsection 6C(1)

Omit “East Timor”, substitute “Timor-Leste”.

25 Subsection 6C(1)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

26 Paragraph 6C(2)(a)

Omit “East Timor”, substitute “Timor-Leste”.

27 Subparagraph 6C(2)(b)(i)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

28 Subparagraph 6C(2)(b)(i)

Omit “East Timor”, substitute “Timor-Leste”.

29 Subparagraphs 6C(2)(b)(ii) and (c)(i)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

30 Subparagraph 6C(2)(c)(i)

Omit “East Timor”, substitute “Timor-Leste”.

31 Subparagraph 6C(2)(c)(ii)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

32 Subparagraph 6C(2)(c)(ii)

Omit “East Timor”, substitute “Timor-Leste”.

33 Subsection 6C(3)

Omit “East Timor”, substitute “Timor-Leste”.

34 Subclause 1(1) of Schedule 1 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

35 Clause 10 of Schedule 1

Repeal the clause.

36 Subclause 14(3) of Schedule 1

Repeal the subclause, substitute:

(3) The *adjacent area* for Western Australia is:

- (a) so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to Western Australia as is within the outer limits of the continental shelf; and
- (b) the space above and below the area described in paragraph (a).

37 Paragraph 14(4)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to the Northern Territory as is within the outer limits of the continental shelf; and

38 Appendix 1 to Schedule 1

Repeal the Appendix, substitute:

Appendix 1—Indicative map



Division 2—Application provisions

39 Application of amendments

The amendments of the *Crimes at Sea Act 2000* made by this Part apply in relation to acts that:

- (a) occur on or after the commencement of this Part; and

Part 8—Amendment of the Customs Act 1901

Customs Act 1901

40 Subsection 4(1) (definition of *Australian seabed*)

Omit “(other than the seabed within the Joint Petroleum Development Area)”.

41 Subsection 4(1)

Insert:

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

42 Subsection 4(1) (definition of *Joint Petroleum Development Area*)

Repeal the definition.

43 Subsection 4(1) (paragraphs (a) and (b) of the definition of *place outside Australia*)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

44 Subsection 4(1)

Insert:

resources installation in the Greater Sunrise special regime area means a resources installation that is attached to the seabed in the Greater Sunrise special regime area.

45 Subsection 4(1) (definition of *resources installation in the Joint Petroleum Development Area*)

Repeal the definition.

46 Subsection 4(1)

Insert:

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Timor Sea petroleum activities purpose, in relation to goods, means the purpose of the goods being:

- (a) taken to a resources installation that is attached to the seabed:
 - (i) in the Greater Sunrise special regime area; or
 - (ii) in the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or
 - (iii) above the Bayu-Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty; or
 - (iv) in the Bayu-Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or
 - (v) above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty; and
- (b) used at the resources installation for a purpose related to Petroleum Activities within the meaning of the Timor Sea Maritime Boundaries Treaty.

47 Subsection 4(9A)

Repeal the subsection, substitute:

- (9A) If it is necessary to determine whether a resources installation is attached to the seabed (the ***relevant seabed***):
 - (a) in the Greater Sunrise special regime area; or
 - (b) in the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or
 - (c) above the Bayu-Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty; or
 - (d) in the Bayu-Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or

(e) above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty;
subsection (9) has effect as if a reference in that subsection to the Australian seabed were a reference to the relevant seabed.

48 Subsection 58B(1) (definition of *external place*)

Omit “East Timor”, substitute “Timor-Leste”.

49 Subsection 58B(2)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

50 Subsection 58B(2)

Omit “East Timor”, substitute “Timor-Leste”.

51 Subsection 58B(3)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

52 Subsection 58B(3)

Omit “East Timor”, substitute “Timor-Leste”.

53 Subsection 58B(4)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

54 Subsection 58B(4)

Omit “East Timor”, substitute “Timor-Leste”.

55 Subsection 58B(5)

Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

56 Subsection 58B(5)

Omit “East Timor”, substitute “Timor-Leste”.

57 Section 131AA

Repeal the section, substitute:

131AA No duty on goods for Timor Sea petroleum activities purpose

- (1) Goods taken out of Australia for the Timor Sea petroleum activities purpose are not liable to any duty of Customs in relation to the taking of the goods out of Australia.
- (2) Goods brought into Australia for the Timor Sea petroleum activities purpose are not liable to any duty of Customs in relation to the bringing of the goods into Australia.

Part 9—Amendment of the Customs Tariff Act 1995

Customs Tariff Act 1995

58 Subsection 3(1) (definition of *petroleum activity*)

Repeal the definition.

59 Subsection 3(1)

Insert:

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

60 Schedule 4 (table item 14)

Repeal the item, substitute:

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 14 | Goods, as prescribed by by-law, that are for use in an activity that is one of the Petroleum Activities within the meaning of the Timor Sea Maritime Boundaries Treaty and takes place in: | Free |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
- (a) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*; or
 - (b) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or
 - (c) the area in or above the Bayu-Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty; or
 - (d) the Bayu-Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or

Schedule 1 Provisions commencing when new treaty comes into force
Part 9 Amendment of the Customs Tariff Act 1995

(e) the area in or above the Kitan Oil Field
within the meaning of the Timor Sea
Maritime Boundaries Treaty

Part 10—Amendment of the Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation Act 1999

61 Paragraphs 5(3)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) Australian nationals; and
- (b) Australian permanent residents; and

62 After subsection 5(4)

Insert:

Application in Greater Sunrise special regime area

- (4A) Despite subsections (2) and (4), a provision of this Act that has effect in relation to a place that is in or above the Greater Sunrise special regime area applies only in relation to:
- (a) Australian nationals who are not nationals or permanent residents of Timor-Leste; and
 - (b) Australian permanent residents who are not nationals or permanent residents of Timor-Leste; and
 - (c) the Commonwealth; and
 - (d) Commonwealth agencies; and
 - (e) the States; and
 - (f) the self-governing Territories; and
 - (g) agencies of the States or self-governing Territories; and
 - (h) Australian aircraft; and
 - (i) Australian vessels; and
 - (j) members of crews of Australian aircraft and Australian vessels (including persons in charge of aircraft or vessels); and
 - (k) persons, aircraft or vessels declared under subsection (4B) to be subject to the provision.

- (4B) The Minister may, by notifiable instrument, declare all or any of one or more of the following to be subject to a provision of this Act, if the Minister is satisfied that Timor-Leste has agreed to them being subject to the provision as it has effect in relation to a place that is in or above the Greater Sunrise special regime area:
- (a) nationals of a foreign country who are not nationals or permanent residents of Timor-Leste;
 - (b) aircraft with the nationality of a foreign country other than Timor-Leste;
 - (c) vessels with the nationality of a foreign country other than Timor-Leste;
 - (d) members of crews (including persons in charge) of aircraft or vessels described in paragraph (b) or (c).
- (4C) Despite subsections (2), (4) and (4A), a provision of this Act that has effect in relation to a place that is in or above the Greater Sunrise special regime area does not apply in relation to an act, omission, matter or thing that relates to any of the Petroleum Activities within the meaning of the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (4D) Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* does not affect the application of a provision of this Act.

Note: Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* provides that a law of the Commonwealth does not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.

63 Subsection 5(5)

Insert:

Australian national means:

- (a) an Australian citizen; or
 - (b) a corporation incorporated in Australia or an external Territory.
-

Australian permanent resident means a person who:

- (a) is not an Australian citizen; and
- (b) holds a permanent visa under the *Migration Act 1958*; and
- (c) is domiciled in Australia or an external Territory.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

national of a foreign country means:

- (a) a citizen of the country; or
- (b) a corporation incorporated in the country.

64 Paragraphs 224(2)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) Australian nationals; and
- (b) Australian permanent residents; and

65 Section 528

Insert:

Australian national has the meaning given by subsection 5(5).

Australian permanent resident has the meaning given by subsection 5(5).

66 Section 528 (definition of *continental shelf*)

Repeal the definition, substitute:

continental shelf means:

- (a) the continental shelf (as defined in the *Seas and Submerged Lands Act 1973*) of Australia (including its external Territories); or
- (b) the Greater Sunrise special regime area.

67 Section 528

Insert:

Greater Sunrise special regime area has the meaning given by subsection 5(5).

Schedule 1 Provisions commencing when new treaty comes into force

Part 10 Amendment of the Environment Protection and Biodiversity Conservation Act 1999

national of a foreign country has the meaning given by subsection 5(5).

Part 11—Amendment of the Environment Protection (Sea Dumping) Act 1981

Environment Protection (Sea Dumping) Act 1981

68 Subsection 4(1)

Insert:

Australian platform means a platform in Australian waters that is:

- (a) owned by:
 - (i) an Australian citizen; or
 - (ii) a person who holds a permanent visa under the *Migration Act 1958* and is domiciled in Australia or an external Territory; or
 - (iii) a corporation incorporated in Australia or an external Territory; or
 - (iv) the Commonwealth, a State, a Territory or an authority of the Commonwealth, a State or a Territory; or
- (b) operated by:
 - (i) a corporation incorporated in Australia or an external Territory; or
 - (ii) the Commonwealth, a State, a Territory or an authority of the Commonwealth, a State or a Territory; or
- (c) prescribed by regulations made for the purposes of this paragraph as being an Australian platform;

except a platform prescribed by the regulations as not being an Australian platform.

Note: For prescription by class, see subsection 13(3) of the *Legislation Act 2003*.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

69 After section 4B

Insert:

4C Application of Act in relation to Greater Sunrise special regime area

Limit on issuing permits

- (1) The Minister must not issue a permit in relation to the Greater Sunrise special regime area unless:
 - (a) the Minister has first consulted Timor-Leste about issuing the permit; or
 - (b) a declaration is in force under subsection (2) and the issue of the permit is within the scope of the agreement to which the declaration relates.
- (2) The Minister may, by notifiable instrument, declare that Timor-Leste has notified Australia that Timor-Leste agrees to the issue of permits under this Act in relation to the Greater Sunrise special regime area, either generally or in particular circumstances.

Note: The declaration can be revoked: see subsection 33(3) of the *Acts Interpretation Act 1901*.

Limit on inspectors exercising powers

- (3) An inspector must not exercise powers under this Act in or above the Greater Sunrise special regime area in relation to:
 - (a) a vessel other than an Australian vessel; or
 - (b) an aircraft other than an Australian aircraft; or
 - (c) a platform other than an Australian platform;unless:
 - (d) the Minister has first consulted Timor-Leste about the exercise of powers by inspectors in the Greater Sunrise special regime area in relation to that vessel, aircraft or platform; or
 - (e) a declaration is in force under subsection (4) and the exercise of the powers is within the scope of the agreement to which the declaration relates.
- (4) The Minister may, by notifiable instrument, declare that Timor-Leste has notified Australia that Timor-Leste agrees to the exercise by inspectors of powers under this Act in or above the

Greater Sunrise special regime area, either generally or in particular circumstances.

Note: The declaration can be revoked: see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (5) The validity of the exercise of a power is not affected by a failure to comply with subsection (3).

Act not limited by the Seas and Submerged Lands Act 1973

- (6) Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* does not affect the application of a provision of this Act.

Note: Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* provides that a law of the Commonwealth does not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.

70 Section 5

Before “This Act”, insert “(1)”.

71 At the end of section 5

Add:

- (2) This Act does not apply in relation to the disposal or storage, in the Greater Sunrise special regime area or the waters above it, of a vessel, aircraft or platform directly arising from, or related to, the exploration, exploitation and associated off-shore processing, of seabed mineral resources.

Part 12—Amendment of the Fair Work Act 2009

Fair Work Act 2009

72 Section 12 (definition of *continental shelf*)

Repeal the definition, substitute:

continental shelf means:

- (a) the continental shelf (as defined in the *Seas and Submerged Lands Act 1973*) of Australia (including its external Territories); and
- (b) the Greater Sunrise special regime area (as defined in the *Seas and Submerged Lands Act 1973*).

73 At the end of section 33

Add:

Extension relating to Greater Sunrise special regime area

- (6) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*:
 - (a) an extension of this Act under subsection (1) of this section has effect; and
 - (b) an extension of this Act, or a provision of this Act, because of regulations made for the purposes of subsection (3) of this section may (subject to those regulations) have effect; in relation to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area. This subsection has effect whether or not the extension is affected by subsection (4) of this section.

**Part 13—Amendment of the International
Organisations (Privileges and Immunities)
Act 1963**

*International Organisations (Privileges and Immunities) Act
1963*

74 Section 5B

Repeal the section.

Part 14—Amendment of the Migration Act 1958

Migration Act 1958

75 Subsection 5(1) (definition of *Australian seabed*)

Omit “(other than the seabed within the Joint Petroleum Development Area)”.

76 Subsection 5(1) (definition of *Joint Petroleum Development Area*)

Repeal the definition.

Part 15—Amendment of the National Greenhouse and Energy Reporting Act 2007

Division 1—Amendments

National Greenhouse and Energy Reporting Act 2007

77 Subsection 6A(2)

Repeal the subsection, substitute:

- (2) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.
- (3) Subsection (2) does not limit subsection (1).
- (4) Despite subsections (1) and (2), the safeguard provisions do not apply to a facility in the Greater Sunrise special regime area.

78 Section 6B

Repeal the section.

79 Section 7

Insert:

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

80 Section 7

Repeal the following definitions:

- (a) definition of *Greater Sunrise unit area*;
- (b) definition of *Joint Petroleum Development Area*.

Division 2—Transitional provisions

81 Transitional provisions for reporting on facilities in Joint Petroleum Development Area if this Part does not commence on 1 July

- (1) This item applies in relation to a facility and a financial year if:
 - (a) this Part commences at a time in the financial year after the start of the financial year; and
 - (b) during the part of the financial year before the commencement of this Part (the *pre-commencement period*), the facility was operated in the Joint Petroleum Development Area and outside the Greater Sunrise unit area.
 - (2) A report by a corporation under section 19 of the *National Greenhouse and Energy Reporting Act 2007* relating to the facility and the financial year must relate to the:
 - (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;from the operation of the facility for only so much of the pre-commencement period as the facility was under the operational control of the corporation and entities that are members of the corporation's group.
 - (3) A report by a corporation under section 22G of the *National Greenhouse and Energy Reporting Act 2007* relating to the facility and the financial year must relate to the:
 - (a) greenhouse gas emissions; and
 - (b) energy production; and
 - (c) energy consumption;from the operation of the facility for only so much of the pre-commencement period as the corporation was the holder of a reporting transfer certificate in relation to the facility.
 - (4) A report by the responsible member under section 22X of the *National Greenhouse and Energy Reporting Act 2007* relating to the facility and the financial year must relate to the:
 - (a) greenhouse gas emissions; and
-

(b) energy production; and

(c) energy consumption;

from the operation of the facility for only so much of the pre-commencement period as the facility was under the operational control of the responsible member.

Part 16—Amendment of the Navigation Act 2012

Navigation Act 2012

82 Subsection 14(1)

Insert:

Australian-based foreign Greater Sunrise vessel means a foreign Greater Sunrise vessel that operates from an Australian port.

foreign-based foreign Greater Sunrise vessel means a foreign Greater Sunrise vessel that operates from a port in a foreign country other than Timor-Leste.

foreign Greater Sunrise vessel means a foreign vessel that:

- (a) does not have the nationality of Timor-Leste; and
- (b) is engaged in Petroleum Activities (within the meaning of the Timor Sea Maritime Boundaries Treaty) in the Greater Sunrise special regime area; and
- (c) is at, or travelling to or from, a Special Regime Installation (within the meaning of that treaty).

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

83 Subsection 139(2)

Omit “Division 2” (wherever occurring), substitute “Division 2 or 3A”.

84 At the end of subsection 139(3)

Add:

; or (h) an Australian-based foreign Greater Sunrise vessel.

85 After Division 3 of Part 3 of Chapter 4

Insert:

Division 3A—Australian-based foreign Greater sunrise vessels polluting or damaging the marine environment in the Greater Sunrise special regime area

143A Operating an Australian-based foreign Greater Sunrise vessel so as to pollute or damage the marine environment in the Greater Sunrise special regime area

- (1) The master of an Australian-based foreign Greater Sunrise vessel must not operate the vessel in a manner that causes:
 - (a) pollution to the marine environment in seas that are above the Greater Sunrise special regime area; or
 - (b) damage to the marine environment in seas that are above the Greater Sunrise special regime area.

Fault-based offence

- (2) A person commits an offence if the person contravenes subsection (1).

Penalty: 600 penalty units.

- (3) Recklessness or negligence is the fault element for:
 - (a) the manner of operation of the vessel; and
 - (b) the result mentioned in paragraph (1)(a) or (b) occurring.

Civil penalty

- (4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

- (a) for an aggravated contravention—6,000 penalty units; or
- (b) in any other case—600 penalty units.

143B Failure to ensure Australian-based foreign Greater Sunrise vessel is operated so as not to cause pollution or damage to the marine environment in the Greater Sunrise special regime area

- (1) The master of an Australian-based foreign Greater Sunrise vessel must ensure that the vessel is operated in a manner that does not cause:
- (a) pollution to the marine environment in seas that are above the Greater Sunrise special regime area; or
 - (b) damage to the marine environment in seas that are above the Greater Sunrise special regime area.

Fault-based offence

- (2) A person commits an offence if the person contravenes subsection (1).

Penalty: 600 penalty units.

- (3) Recklessness or negligence is the fault element for:
- (a) the manner of operation of the vessel; and
 - (b) the result mentioned in paragraph (1)(a) or (b) occurring.

Civil penalty

- (4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

- (a) for an aggravated contravention—6,000 penalty units; or
- (b) in any other case—600 penalty units.

86 At the end of subsection 149(2)

Add:

; or (h) an Australian-based foreign Greater Sunrise vessel.

87 After paragraph 331(1)(w)

Insert:

(wa) section 143A;

(wb) section 143B;

88 After section 337

Insert:

337A Compliance of foreign-based foreign Greater Sunrise vessels with international safety and operating standards

- (1) The master and owner of a foreign-based foreign Greater Sunrise vessel must each ensure compliance with requirements described in subsection (2) that apply in relation to the vessel or would apply in relation to it if it had the nationality of a party to a convention mentioned in paragraph (2)(a).
- (2) For the purposes of subsection (1), the requirements are those that:
 - (a) are described in any of the following:
 - (i) the Prevention of Collisions Convention;
 - (ii) the Load Lines Convention;
 - (iii) the Prevention of Pollution Convention;
 - (iv) the Safety Convention;
 - (v) the STCW Convention;
 - (vi) the Tonnage Convention;
 - (vii) the Maritime Labour Convention;
 - (viii) the United Nations Convention on the Law of the Sea;
 - (ix) the Container Convention;
 - (x) the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, done at London on 23 March 2001, as amended and in force for Australia from time to time;
 - (xi) the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, done at London on 13 February 2004, as amended and in force for Australia from time to time;
 - (xii) the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, done at London on 5 October 2001, as amended and in force for Australia from time to time; or
 - (b) both:

Schedule 1 Provisions commencing when new treaty comes into force
Part 16 Amendment of the Navigation Act 2012

- (i) reflect international safety or operating standards; and
- (ii) are prescribed by the regulations.

- Note 1: The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 is in Australian Treaty Series 2009 No. 14 ([2009] ATS 14) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
- Note 2: The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 is in Australian Treaty Series 2017 No. 15 ([2017] ATS 15) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
- Note 3: The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 is in Australian Treaty Series 2008 No. 15 ([2008] ATS 15) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Part 17—Amendment of the Offshore Minerals Act 1994

Offshore Minerals Act 1994

89 Subsection 10(3) (after paragraph (f) of the definition of *International Seabed Agreement*)

Insert:

and (g) the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018;

90 Subsection 13(1) (note)

Omit “Note”, substitute “Note 1”.

91 Subsection 13(1) (note)

Omit “5(3)”, substitute “6(3)”.

92 At the end of subsection 13(1)

Add:

Note 2: Neither of the following areas described in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is an offshore area of a State:

- (a) the Bayu-Undan pipeline international offshore area;
- (b) the Greater Sunrise pipeline international offshore area.

93 After section 35

Insert:

35A Act does not apply in relation to Greater Sunrise special regime area

This Act does not apply to the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*.

Schedule 1 Provisions commencing when new treaty comes into force

Part 18 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Part 18—Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Division 1—Amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

94 Subsection 6(3) (map 1)

Repeal the map, substitute:



95 Subsection 6(3) (note 3)

Repeal the note.

96 Section 7

Insert:

Bayu-Undan pipeline international offshore area means the area described in Schedule 8.

Greater Sunrise pipeline international offshore area means the area declared under section 780P.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

97 Section 7 (definition of *Greater Sunrise unit area*)

Repeal the definition.

98 Section 7 (definition of *Greater Sunrise unitisation agreement*)

After “2003”, insert “, as in force immediately before the commencement of Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*”.

99 Section 7 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

100 Section 7 (at the end of the definition of *offshore area*)

Add:

Note 3: Under section 8A, each of the following areas is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines:

- (a) the Bayu-Undan pipeline international offshore area;
- (b) the Greater Sunrise pipeline international offshore area (if declared).

101 Section 7

Insert:

Timorese Designated Authority means the authority that is the Designated Authority under paragraph 2 of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty.

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

102 Section 7

Repeal the following definitions:

- (a) definition of *Timor Sea Treaty*;
- (b) definition of *Timor Sea Treaty Designated Authority*.

103 Section 7 (note to the definition of *Western Greater Sunrise area*)

Repeal the note.

104 Subsection 8(1) (table item 3, column headed “is...”, paragraph (b))

Omit “shelf; and”, substitute “shelf”.

105 Subsection 8(1) (table item 3, column headed “is...”, paragraph (c))

Repeal the paragraph.

106 Subsection 8(1) (cell at table item 4, column headed “is...”)

Repeal the cell, substitute:

both of the following:

- (a) so much of the scheduled area for the Northern Territory as comprises waters of the sea that are:
 - (i) beyond the outer limits of the coastal waters of the Northern Territory; and
 - (ii) within the outer limits of the continental shelf;
- (b) the Eastern Greater Sunrise offshore area.

107 Subsection 8(1) (cell at table item 5, column headed “is...”)

Repeal the cell, substitute:

so much of the scheduled area for that Territory as consists of land and water that is within the outer limits of the continental shelf.

108 After section 8

Insert:

8A Pipeline international offshore areas treated as offshore areas

- (1) The provisions of this Act listed in subsection (2), and regulations or other instruments made for the purposes of those provisions, apply in relation to each of the following areas as if it were an offshore area:
 - (a) the Bayu-Undan pipeline international offshore area (which is described in Schedule 8);
 - (b) the Greater Sunrise pipeline international offshore area (if it is declared under section 780P).
- (2) The provisions are as follows:
 - (a) the following definitions in section 7:
 - (i) definition of *Joint Authority*;
 - (ii) definition of *petroleum pipeline*;
 - (iii) definition of *secondary line*;
 - (b) section 9;
 - (c) section 16;
 - (d) section 30;
 - (e) subsection 56(1);
 - (f) Division 1 of Part 2.6;
 - (g) subsection 221(5) so far as it refers to construction in an offshore area of a petroleum pipeline but not so far as it refers to petroleum recovered from a place beyond the outer limits of any offshore area;
 - (h) Division 3 of Part 2.6;
 - (i) Division 1 of Part 2.12;

- (j) section 280;
- (k) Parts 4.1 and 4.2;
- (l) Parts 6.1, 6.1A and 6.2;
- (m) Division 1 of Part 6.4;
- (n) Divisions 1, 4, 5 and 6 of Part 6.5;
- (o) Divisions 1 and 2 of Part 6.6;
- (p) section 695R;
- (q) Part 7.1;
- (r) section 778;
- (s) subsection 780A(5);
- (t) items 12 and 13 of the table in subsection 782(1).

Note: Although the Greater Sunrise pipeline international offshore area is treated as an offshore area for the purposes of only one of the references to offshore area in Division 2 (Obtaining a pipeline licence) of Part 2.6 (see paragraph (g) of this subsection), that does not prevent an application for, or the grant of, a pipeline licence for a petroleum pipeline in the Greater Sunrise pipeline international offshore area.

Other modifications

- (3) Paragraphs 227(6)(d) and 506(1)(f) apply as if:
 - (a) the Bayu-Undan pipeline international offshore area were an offshore area relating to Western Australia; and
 - (b) the Greater Sunrise pipeline international offshore area were an offshore area relating to the Northern Territory.

Other modifications relating to Bayu-Undan pipeline international offshore area

- (4) Despite subsection 217(1), a person cannot apply for the grant of a pipeline licence authorising construction of a pipeline in the Bayu-Undan pipeline international offshore area.

Note: On the commencement of this section, a pipeline licence is automatically granted authorising the pipeline that existed in the Bayu-Undan pipeline international offshore area immediately before that commencement: see Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.

Other modifications relating to Greater Sunrise pipeline international offshore area

- (5) Subsections 223(2) and (3) apply to an application for a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if:
- (a) references in paragraphs 223(2)(a) and (3)(a) to a petroleum production licence area were references to the Greater Sunrise special regime area; and
 - (b) references in paragraphs 223(2)(b) and (3)(b) to the petroleum production licensee were references to a person covered by the definition of **Greater Sunrise Contractor** in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty; and
 - (c) the reference in subparagraph 223(2)(c)(i) to the petroleum production licence were a reference to the Greater Sunrise Production Sharing Contract within the meaning of that treaty.
- (6) Item 5 of the table in subsection 262(1) applies in relation to a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if the references to a petroleum production licensee and the licensee were a reference to a person who:
- (a) applied for the pipeline licence; and
 - (b) is a person covered by the definition of **Greater Sunrise Contractor** in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty.

109 After paragraph 40(1)(d)

Insert:

or (e) the area described in Schedule 8;

110 Subsection 40(1) (note 3A)

Repeal the note, substitute:

Note 3A: Schedule 7 describes the Eastern Greater Sunrise offshore area and the Western Greater Sunrise area.

Note 3B: Schedule 8 describes the Bayu-Undan pipeline international offshore area.

**111 Subsection 49(3) (at the end of the definition of
International Seabed Agreement)**

Add:

; or (f) the Timor Sea Maritime Boundaries Treaty.

112 At the end of section 56

Add:

Bayu-Undan pipeline international offshore area

- (10) The responsible Commonwealth Minister is the Joint Authority for the Bayu-Undan pipeline international offshore area. That Joint Authority is to be known as the Bayu-Undan Offshore Petroleum Joint Authority.

Note: Under section 8A, the Bayu-Undan pipeline international offshore area is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

Greater Sunrise pipeline international offshore area

- (11) The responsible Commonwealth Minister is the Joint Authority for the Greater Sunrise pipeline international offshore area. That Joint Authority is to be known as the Greater Sunrise Pipeline Offshore Petroleum Joint Authority.

Note: Under section 8A, the Greater Sunrise pipeline international offshore area (if declared) is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

113 At the end of section 57

Add:

- (4) The Joint Authority for the Bayu-Undan pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.
- (5) The Joint Authority for the Greater Sunrise pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act

mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.

- (6) For the purposes of subsections (4) and (5), the provisions are as follows:
- (a) this Part;
 - (b) Part 2.6;
 - (c) Part 2.10;
 - (d) section 264 so far as it applies because of item 2 of the table in subsection 264(1);
 - (e) Division 1 of Part 2.12;
 - (f) Division 1 of Part 2.13;
 - (g) Part 2.14 except section 279;
 - (h) section 511;
 - (i) Part 6.1;
 - (j) Part 6.2;
 - (k) Part 6.10;
 - (l) Part 6.11;
 - (m) Part 9.4;
 - (n) Part 9.6A;
 - (o) Part 9.8;
 - (p) Part 9.9.

114 After paragraph 61(2A)(b)

Insert:

- or (c) the Bayu-Undan pipeline international offshore area; or
- (d) the Greater Sunrise pipeline international offshore area;

115 After subsection 64(3)

Insert:

Joint Authority for a pipeline international offshore area

- (3A) All courts must take judicial notice of:
- (a) the signature of a person who is, or has been:
 - (i) the Joint Authority for the Bayu-Undan pipeline international offshore area; or

- (ii) the Joint Authority for the Greater Sunrise pipeline international offshore area; or
 - (iii) a delegate of the Joint Authority mentioned in subparagraph (i) or (ii); and
- (b) the fact that the person is, or was at a particular time:
- (i) the Joint Authority for that area; or
 - (ii) a delegate of the Joint Authority for that area.

116 After section 68

Insert:

68A Delegation by Joint Authority for pipeline international offshore area

- (1) The Joint Authority for the Bayu-Undan pipeline international offshore area or the Joint Authority for the Greater Sunrise pipeline international offshore area may, by written instrument, delegate to an SES employee or acting SES employee any or all of the functions or powers of the Joint Authority under this Act or the regulations.

Note 1: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- (2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
- (a) a vacancy in the office of Joint Authority; or
 - (b) a change in the identity of the holder of the office of Joint Authority.
- (3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the Gazette.

117 Section 69

Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

118 At the end of Division 1 of Part 1.3

Add:

70 Cooperation with Timorese Designated Authority by Joint Authority for pipeline international offshore area

Joint Authority for Bayu-Undan pipeline international offshore area

- (1) The Joint Authority for the Bayu-Undan pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Bayu-Undan Gas Field (within the meaning of the Timor Sea Maritime Boundaries Treaty).

Joint Authority for Greater Sunrise pipeline international offshore area

- (2) The Joint Authority for the Greater Sunrise pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Greater Sunrise special regime area.

119 Paragraphs 172(a) and (c)

Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

120 Subsection 173(5) (heading)

Omit “*Timor Sea Treaty Designated Authority*”, substitute “*Timorese Designated Authority*”.

121 Paragraph 173(5)(b)

Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

122 Section 643 (definition of *Commonwealth waters*)

Omit “Territory.”, substitute “Territory, the Bayu-Undan pipeline international offshore area and the Greater Sunrise pipeline international offshore area.”.

123 Section 695AA

Repeal the section.

124 After section 695X

Insert:

695XA CEO of NOPSEMA may share offshore information or things with Timorese Designated Authority

The CEO may make available offshore information or a thing to the Timorese Designated Authority for it to use in the course of the exercise of its powers or the performance of its functions.

125 After Part 9.10C

Insert:

Part 9.10D—Greater Sunrise special regime area

Division 1—Bodies exercising Australia’s rights and responsibilities

780M Bodies exercising Australia’s rights and responsibilities relating to the Greater Sunrise special regime area

The following exercise Australia’s rights and responsibilities relating to Petroleum Activities, within the meaning of the Timor Sea Maritime Boundaries Treaty, in the Greater Sunrise special regime area in accordance with the treaty:

- (a) the Timorese Designated Authority;
- (b) the Governance Board provided for by Annex B to the treaty;
- (c) the Dispute Resolution Committee provided for by Annex B to the treaty.

Division 2—Limits on Australian law in Greater Sunrise special regime area

780N Australian law subject to legislation made under the Timor Sea Maritime Boundaries Treaty

So far as a law of the Commonwealth, a State or a Territory applies in or in relation to the Greater Sunrise special regime area, the law has effect subject to the following:

- (a) regulations issued by the Timorese Designated Authority under paragraph 3(n) or (o) of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty (about protection of the marine environment in that area and occupational health and safety of persons employed on certain installations, structures and facilities in that area);
- (b) the Interim Petroleum Mining Code and interim regulations for the purposes of that Code while they are in force under paragraph 1 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty;
- (c) the final Petroleum Mining Code issued by the Governance Board under paragraph 2 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty.

Note: Laws of the Commonwealth do not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area unless there is a contrary intention: see section 13AB of the *Seas and Submerged Lands Act 1973*.

Division 3—Declaration of Greater Sunrise pipeline international offshore area

780P Declaration of Greater Sunrise pipeline international offshore area

- (1) If the responsible Commonwealth Minister is satisfied that a person proposes to construct a petroleum pipeline for conveying petroleum recovered from the Greater Sunrise special regime area to a place in Australia, the Minister may, by notifiable instrument,

declare an area, through which the pipeline is proposed to extend,
as the Greater Sunrise pipeline international offshore area.

- (2) The area must:
- (a) consist at least partly of an area in the Greater Sunrise special regime area; and
 - (b) adjoin (but not include any of) an offshore area of a State or Territory.

Note: Depending on the proposed route of the pipeline, the area may cover part of the continental shelf of Timor-Leste between an edge of the Greater Sunrise special regime area and the offshore area of a State or Territory.

126 Paragraphs 5(zx), (zy) and (zz) of Schedule 1

Repeal the paragraphs, substitute:

- (zx) thence north-easterly along the geodesic to a point of Latitude 10° 37' 19.03" South, Longitude 126° 03' 07.94" East; and
- (zy) thence south-easterly along the geodesic to a point of Latitude 11° 24' 00.61" South, Longitude 126° 18' 22.48" East; and
- (zz) thence easterly along the geodesic to a point of Latitude 11° 21' 00.00" South, Longitude 126° 28' 00.00" East; and
- (zzaa) thence easterly along the geodesic to a point of Latitude 11° 20' 00.00" South, Longitude 126° 31' 00.00" East; and
- (zzab) thence easterly along the geodesic to a point of Latitude 11° 20' 02.90" South, Longitude 126° 31' 58.40" East; and
- (zzac) thence easterly along the geodesic to a point of Latitude 11° 07' 14.30" South, Longitude 127° 28' 11.56" East; and

127 Paragraphs 7(l), (m), (n) and (o) of Schedule 1

Repeal the paragraphs, substitute:

- (l) thence north-westerly along the geodesic to a point of Latitude 11° 07' 14.30" South, Longitude 127° 28' 11.56" East; and
- (m) thence north-easterly along the geodesic to a point of Latitude 11° 04' 37.65" South, Longitude 127° 39' 32.81" East; and

- (n) thence north-easterly along the geodesic to a point of Latitude 10° 55' 20.88" South, Longitude 127° 47' 08.37" East; and
- (o) thence north-easterly along the geodesic to a point of Latitude 10° 53' 36.88" South, Longitude 127° 48' 49.37" East; and
- (oa) thence north-easterly along the geodesic to a point of Latitude 10° 43' 37.88" South, Longitude 127° 59' 20.36" East; and
- (ob) thence north-easterly along the geodesic to a point of Latitude 10° 29' 11.87" South, Longitude 128° 12' 28.36" East; and
- (oc) thence north-easterly along the geodesic to a point of Latitude 9° 42' 21.49" South, Longitude 128° 28' 35.97" East; and
- (od) thence north-easterly along the geodesic to a point of Latitude 9° 37' 57.54" South, Longitude 128° 30' 07.24" East; and
- (oe) thence north-westerly along the geodesic to a point of Latitude 9° 36' 28.43" South, Longitude 128° 25' 04.34" East; and
- (of) thence north along the loxodrome to a point of Latitude 9° 29' 54.88" South, Longitude 128° 25' 04.34" East; and
- (og) thence west along the loxodrome to a point of Latitude 9° 29' 54.88" South, Longitude 128° 20' 04.34" East; and
- (oh) thence north along the loxodrome to a point of Latitude 9° 24' 54.88" South, Longitude 128° 20' 04.34" East; and

128 Paragraphs 8(l) and (m) of Schedule 1

Repeal the paragraphs, substitute:

- (l) thence north-easterly along the loxodrome to a point of Latitude 10° 27' 54.91" South, Longitude 126° 00' 04.40" East; and
- (m) thence south-easterly along the geodesic to a point of Latitude 10° 37' 19.03" South, Longitude 126° 03' 07.94" East; and

129 Clause 1 of Schedule 7

Repeal the clause.

130 At the end of the Act

Add:

Schedule 8—Bayu-Undan pipeline international offshore area

Note: See the definition of *Bayu-Undan pipeline international offshore area* in section 7.

1 Bayu-Undan pipeline international offshore area

The *Bayu-Undan pipeline international offshore area* is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Bayu-Undan pipeline international offshore area	
Item	Description
1	11°03'44.4994"S 126°37'6.5192"E
2	South-westerly along the geodesic to 11°04'03.5791"S 126°36'51.2875"E
3	South-westerly along the geodesic to 11°04'26.7849"S 126°36'32.7646"E
4	South-easterly along the geodesic to 11°15'43.6065"S 126°51'02.1405"E
5	North-easterly along the geodesic to 11°15'34.5559"S 126°51'41.9553"E
6	North-easterly along the geodesic to 11°15'28.1024"S 126°52'10.3404"E
7	North-westerly along the geodesic to the starting point

Division 2—Transitional provisions

131 Alteration of permit areas and licence areas to reflect new continental shelf boundary

Petroleum Exploration Permit WA-523-P permit area

- (1) On and after the commencement of this subitem, the blocks the subject of Petroleum Exploration Permit WA-523-P, granted under Part 2.2 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* on 27 May 2016, are those constituted by the graticular sections that:

Schedule 1 Provisions commencing when new treaty comes into force

Part 18 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

- (a) are shown on map sheet SC52 (Melville Island) in the 1:1,000,000 series prepared and published for the purposes of that Act; and
- (b) are referred to in the following table by reference to the number shown on that map sheet.

Blocks the subject of Petroleum Exploration Permit WA-523-P

Number of graticular section that constitutes block as shown on map sheet SC52

2305
2306
2377
2378
2449
2450
2521
2522
2523
2593
2594
2595
2665
2666
2667
2737
2738
2739
2740
2809
2810
2811
2812
2815
2881
2882

Blocks the subject of Petroleum Exploration Permit WA-523-P

Number of graticular section that constitutes block as shown on map sheet SC52

2883
2884
2885
2886
2887
2953
2954
2955
2956
2957
2958
2959
3025
3026
3027
3028
3029

Note 1: Petroleum Exploration Permit WA-523-P covers some blocks in the offshore area of Western Australia.

Note 2: This subitem is to reflect the changes to the offshore area of Western Australia resulting from the changes to the scheduled area for Western Australia made by the amendment of clause 5 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by this Part. That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Note 3: Paragraph 2 of Article 4 of Annex D to the Timor Sea Maritime Boundaries Treaty provides for the security of title and any other rights held by the holder of Petroleum Exploration Permit WA-523-P before the commencement of this item to be preserved through equivalent conditions determined by agreement between the parties to the treaty and the holder of the permit.

- (2) To avoid doubt, the alteration of the permit area of Petroleum Exploration Permit WA-523-P by subitem (1) does not otherwise affect:
- (a) the continuity of the permit; or
 - (b) the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, or regulations or
-

other instruments (except the permit) made for the purposes of either of those Acts, in relation to the permit.

Petroleum Production Licence WA-18-L

- (3) To avoid doubt, the alteration of the licence area of Petroleum Production Licence WA-18-L, granted on 13 May 1999 under Division 3 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*, occurring under paragraph 33(3)(b) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* as a result of the amendment of clause 5 of Schedule 1 to that Act by this Part does not otherwise affect:
- (a) the continuity of the licence; or
 - (b) the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, or regulations or other instruments (except the licence) made for the purposes of either of those Acts, in relation to the licence.

Note 1: Petroleum Production Licence WA-18-L covers a block that is in the offshore area of Western Australia and whose boundary changes because of the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Note 2: That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Petroleum Production Licence AC/L5

- (4) To avoid doubt, the alteration of the licence area of Petroleum Production Licence AC/L5, granted on 2 January 2018 under Part 2.4 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, occurring under paragraph 33(3)(b) of that Act as a result of the amendment of clause 8 of Schedule 1 to that Act by this Part does not otherwise affect:
- (a) the continuity of the licence; or
 - (b) the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, or regulations or other instruments (except the licence) made for the purposes of either of those Acts, in relation to the licence.

Note 1: Petroleum Production Licence AC/L5 covers 2 blocks that are in the offshore area of the Territory of Ashmore and Cartier Islands and whose boundaries change because of the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Note 2: That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Gazettal not required

- (5) Section 708 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not require the Titles Administrator to cause notice to be published in the Gazette of an event that occurs because of this item or is described in this item.
- (6) Subitem (5) has effect despite subitems (2), (3) and (4).

132 Alteration of Pipeline Licence WA-8-PL to reflect new continental shelf boundary

Application

- (1) This item applies in relation to Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

Note: The licence relates to the section of the pipeline running from the Bayu-Undan gas field to Australia that is in the offshore area of Western Australia.

Extension of route of pipeline to new continental shelf boundary

- (2) On and after the commencement of this item, the licence has effect as if the reference, in the description of the route of the pipeline, to “8751184mN, 280306mE” were a reference to 8754465.49 mN, 266555.28 mE.
- (3) To avoid doubt, subitem (2) does not, except as otherwise provided by this item, affect:
 - (a) the continuity of the licence; or
 - (b) the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, or regulations or other instruments made for the purposes of either of those Acts, in relation to the licence.
- (4) Section 708 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not require the Titles Administrator to cause notice to be published in the Gazette of an event relating to the licence that occurs because of this item.

Licence continues to be a prior usage right

- (5) To avoid doubt, subitem (2):
- (a) does not affect the status of the licence, for the purposes of Subdivision C of Division 4 of Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*, as a usage right held by a person on 27 April 2001 in relation to seabed included in a Commonwealth reserve after that day; and
 - (b) does not cause that usage right to be renewed, or have its term extended, for the purposes of subsection 359(3) of that Act.

Paragraph (b) of this subitem has effect despite the second sentence of subsection 359(3) of that Act.

133 New pipeline licence for part of Bayu-Undan pipeline

Grant of new pipeline licence

- (1) On the commencement of this item, a pipeline licence (the *new licence*) is taken for all purposes to be granted under Part 2.6 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by the Joint Authority for the Bayu-Undan pipeline international offshore area to the person who, immediately before that commencement, was the registered holder of Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

Content of new pipeline licence

- (2) The new licence is taken to specify the Bayu-Undan pipeline international offshore area.
- (3) The new licence is taken to specify that the design, construction, size and capacity of the pipeline to which the licence relates are based on the parameters in the following table.

Parameters		
Item	Item description	Details
1	Diameter of pipe and riser	Pipeline is constant ID controlled.

Parameters		
Item	Item description	Details
		668.0 mm (ID) (nominal 28 inch)
		619.8 mm (ID) (nominal 26 inch)
2	Wall thickness of pipe inclusive of riser (only for carbon steel)	28 inch section: 25.8 mm 26 inch pipeline within 500m Zone: 23.5 mm 26 inch pipeline (500m Zone to KP34): 20.7 mm 26 inch pipeline (KP34 to end): 20.1 mm
3	Length	35 km (approximate)
4	Design life	25 years
5	Pipeline material	Carbon steel
6	Pipeline and riser steel grade	API 5L X65 - Non Sour Service
7	Pipeline specification	DNV OS-F101:2000
8	Minimum yield strength of pipe steel	448 MPa
9	Maximum allowable operating pressure	19.4 MPa
10	Design capacity	750 MMscf/d
11	Maximum design temperature	90°C
12	Minimum design temperature	0°C
13	Characteristics of substance proposed to be conveyed	Dry gas
14	General plans and descriptions of pump stations, tank stations or valve stations and their equipment	The subsea isolation valve (the SSIV) is located on the seabed as part of the tie-in spool, near the lower end of the Gas Export Pipeline Riser. The SSIV operates as a non-return valve and, therefore, closes automatically during reverse flow
15	General plans and description of pigging facilities	The pig launcher is located at the DDP platform, and the pig receiver is located at the DLNG plant
(4)	The new licence is taken to specify that the route and position of the pipeline to which the licence relates is from the downstream flange of the subsea isolation valve (the SSIV) in the Bayu-Undan Field to the	

Schedule 1 Provisions commencing when new treaty comes into force

Part 18 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

boundary of the Bayu-Undan pipeline international offshore area (the **BUPIOA**) and the offshore area of Western Australia (**WA**), as described in the following table (using coordinates based on the Geocentric Datum of Australia (GDA94)).

Provisions commencing when new treaty comes into force **Schedule 1**
Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 **Part 18**

Route and position of pipeline								
Item	Feature name	KP	UTM zone	Easting (mE)	Northing (mN)	Bend radius (m)	Latitude	Longitude
1	Point immediately adjacent to downstream side of the SSIV flange	-0.483	52	239360.50	8775497.11		11°04'03.5791"S	126°36'51.2875"E
2	Transition flange 28 inch to 26 inch	-0.199	52	239626.13	8775525.97		11°04'02.7090"S	126°37'00.0430"E
3	Start of 26 inch pipeline	-0.199	52	239626.13	8775525.97		11°04'02.7090"S	126°37'00.0430"E
4	Tangent point (TP) 1A	0.421	52	239885.54	8774963.95		11°04'21.0590"S	126°37'08.4380"E
5	Intersection point (IP) 1		52	240283.57	8774101.41	-2,600	11°04'49.2210"S	126°37'21.3200"E
6	TP1B	2.242	52	241143.91	8773698.64		11°05'02.5460"S	126°37'49.5490"E
7	TP2A	4.176	52	242895.91	8772878.44		11°05'29.6800"S	126°38'47.0380"E
8	IP2		52	243154.32	8772757.46	2,600	11°05'33.6820"S	126°38'55.5170"E

Schedule 1 Provisions commencing when new treaty comes into force

Part 18 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Route and position of pipeline								
Item	Feature name	KP	UTM zone	Easting (mE)	Northing (mN)	Bend radius (m)	Latitude	Longitude
9	TP2B	4.744	52	243380.34	8772583.42		11°05'39.4010"S	126°39'02.9160"E
10	TP3A	28.101	52	261889.69	8758323.17		11°13'27.9320"S	126°49'09.1240"E
11	IP3		52	262229.18	8758061.62	3,000	11°13'36.5230"S	126°49'20.2480"E
12	TP3B	28.952	52	262481.86	8757715.45		11°13'47.8460"S	126°49'28.4910"E
13	TP4A	29.095	52	262566.10	8757600.08		11°13'51.6200"S	126°49'31.2390"E
14	IP4		52	262818.77	8757253.92	-3,000	11°14'02.9430"S	126°49'39.4820"E
15	TP4B	29.946	52	263158.27	8756992.36		11°14'11.5340"S	126°49'50.6070"E
16	TP5A	30.948	52	263952.30	8756380.61		11°14'31.6270"S	126°50'16.6270"E
17	IP5		52	263979.42	8756359.71	-3,000	11°14'32.3140"S	126°50'17.5160"E
18	TP5B	31.017	52	264007.02	8756339.43		11°14'32.9800"S	126°50'18.4200"E
19	Boundary of the BUPIOA and the offshore area of WA	34.200	52	266555.28	8754465.49		11°15'34.5559"S	126°51'41.9553"E

Affecting new licence

- (5) To avoid doubt, the new licence may be terminated, varied, surrendered or cancelled, and the conditions to which it is subject may be varied, under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (5A) However, the Joint Authority must not consent under section 270 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* to the surrender, in whole or in part, of the new licence unless the pipeline to which the licence relates has been removed from the surrender area to the satisfaction of NOPSEMA. This has effect despite subparagraph 270(3)(c)(ii) and subsection 270(5) of that Act.

Dealings relating to new licence

- (6) Any dealings that:
- (a) related to Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*; and
 - (b) were of a kind to which Part 4.6 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* applies; and
 - (c) were in force immediately before the commencement of this item;

are taken for all purposes also to be in force in relation to the new licence.

- (7) The Titles Administrator must make an entry of each of the dealings mentioned in subsection (6) on the memorial of the new licence in the Register kept under section 469 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* for the Bayu-Undan pipeline international offshore area.
- (8) To avoid doubt, dealings relating to the new licence because of subitem (6) may be affected by dealings occurring after the commencement of this item, subject to Part 4.6 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Grant of new licence need not be gazetted

- (9) Despite subitem (1), section 708 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not require the Titles

Administrator to cause notice to be published in the Gazette of the grant of the new licence.

134 Extension of environment plan and safety case for Bayu-Undan pipeline

Application

- (1) This item applies in relation to Pipeline Licence WA-8-PL granted on 27 April 2001 under Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967* (the **old licence**).

Note: The old licence relates to the section of the pipeline running from the Bayu-Undan gas fields to Australia that is in the offshore area of Western Australia.

Extension of environment plan for pipeline

- (2) An environment plan (within the meaning of section 572C of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*) in force, immediately before the commencement of this item, for an activity relating to the old licence:
- (a) continues in force in relation to that activity relating to the old licence as affected by this Part; and
 - (b) has effect in relation to that activity relating to the pipeline licence taken under this Part to have been granted in relation to the Bayu-Undan pipeline international offshore area.
- (3) To avoid doubt, subitem (2) does not prevent any of the following:
- (a) revision of the plan;
 - (b) withdrawal of acceptance of the plan;
 - (c) end of the operation of the plan.

Extension of safety case for pipeline

- (4) A safety case in force in relation to a facility that is the pipeline to which the old licence relates immediately before the commencement of this item:
- (a) continues to be a safety case in force in relation to a facility that is the pipeline to which the old licence as affected by this Part relates; and
 - (b) is a safety case in force in relation to a facility that is the pipeline to which the pipeline licence taken under this Part to

have been granted in relation to the Bayu-Undan pipeline international offshore area relates.

For this purpose, *safety case in force in relation to a facility* has the same meaning as in section 7 of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

- (5) To avoid doubt, subitem (4) does not prevent any of the following:
- (a) revision of the safety case;
 - (b) withdrawal of acceptance of the safety case.

Part 19—Amendment of the Passenger Movement Charge Collection Act 1978

Passenger Movement Charge Collection Act 1978

135 Section 3

Repeal the following definitions:

- (a) definition of *Joint Petroleum Development Area*;
- (b) definition of *petroleum*;
- (c) definition of *petroleum activities*;
- (d) definition of *Timor Sea Treaty*.

136 Paragraph 5(l)

Omit “Joint Petroleum Development Area in connection with the prospecting for petroleum or the undertaking of petroleum operations”, substitute “Greater Sunrise special regime area (within the meaning of the *Seas and Submerged Lands Act 1973*) in connection with Petroleum Activities (within the meaning of the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time)”.

137 At the end of section 5

Add:

- Note: The Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Part 20—Amendment of the Petroleum and Other Fuels Reporting Act 2017

Petroleum and Other Fuels Reporting Act 2017

138 At the end of paragraph 11(1)(c)

Add:

- ; (iii) in the Greater Sunrise special regime area (within the meaning of the *Seas and Submerged Lands Act 1973*), in connection with business carried on in that area by the regulated entity.

Part 21—Amendment of the Petroleum (Timor Sea Treaty) Act 2003

Division 1—Amendments

Petroleum (Timor Sea Treaty) Act 2003

139 Sections 3 and 4

Repeal the sections.

140 Subsection 5(1) (definition of *Petroleum Mining Code*)

Repeal the definition.

141 Subsection 5(1) (definition of *Treaty*)

Repeal the definition, substitute:

Treaty means the Timor Sea Treaty between Australia and East Timor done at Dili on 20 May 2002, as in force immediately before the commencement of Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.

Note: The Timor Sea Treaty is in Australian Treaty Series 2003 No. 13 ([2003] ATS 13) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

142 Part 2

Repeal the Part.

Division 2—Saving provisions

143 Continued jurisdiction of courts and application of law

Despite the repeal of sections 9 and 10 of the *Petroleum (Timor Sea Treaty) Act 2003* by this Part, those sections continue to apply in relation to civil matters that:

- (a) were described in subsection 9(1) of that Act (as in force before that repeal); and
- (b) relate to an act or omission that occurred before that repeal; and

- (c) involve damage suffered, or expenses incurred, before that
repeal.

Part 22—Amendment of the Radiocommunications Act 1992

Radiocommunications Act 1992

144 Section 17A (heading)

Repeal the heading, substitute:

17A Greater Sunrise special regime area, Greater Sunrise pipeline international offshore area and Bayu-Undan pipeline international offshore area

145 Subsection 17A(1)

Omit “Western Greater Sunrise area” (wherever occurring), substitute “Greater Sunrise special regime area, the Greater Sunrise pipeline international offshore area and the Bayu-Undan pipeline international offshore area”.

146 Subsections 17A(2) and (3)

Repeal the subsections, substitute:

- (2) The extended application given to this Act by subsection (1) extends only in relation to:
 - (a) acts, matters and things directly or indirectly connected with:
 - (i) Petroleum Activities (within the meaning of the Timor Sea Maritime Boundaries Treaty) relating to the Greater Sunrise Fields (within the meaning of that treaty); or
 - (ii) construction, operation, maintenance or decommissioning of a pipeline in the Greater Sunrise pipeline international offshore area; or
 - (iii) operation, maintenance or decommissioning of the Bayu-Undan Pipeline (within the meaning of that treaty); and
 - (b) acts done by or in relation to, and matters, circumstances and things affecting, any person who is:

- (i) in the Greater Sunrise special regime area for a reason directly or indirectly connected with such Petroleum Activities; or
- (ii) in the Greater Sunrise pipeline international offshore area for a reason directly or indirectly connected with the construction, operation, maintenance or decommissioning of a pipeline in the area; or
- (iii) in the Bayu-Undan pipeline international offshore area for a reason directly or indirectly connected with the operation, maintenance or decommissioning of the Bayu-Undan Pipeline.

(3) In this section:

Bayu-Undan pipeline international offshore area has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Greater Sunrise pipeline international offshore area has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Part 23—Amendment of the Sea Installations Act 1987

Sea Installations Act 1987

147 Subsection 4(1) (at the end of the definition of *adjacent area*)

Add:

Note: This Act applies as described in section 11A in relation to the Greater Sunrise special regime area as if that area were part of the adjacent area in respect of the Northern Territory.

148 Subsection 4(1)

Insert:

Australian aircraft means:

- (a) an aircraft that is owned, possessed or controlled by:
 - (i) the Commonwealth, a State or a Territory; or
 - (ii) an authority of the Commonwealth, a State or a Territory; or
- (b) an aircraft that is registered in Australia.

Australian national means:

- (a) an Australian citizen; or
- (b) a corporation incorporated in Australia or an external Territory.

Australian permanent resident means a person who:

- (a) is not an Australian citizen; and
- (b) holds a permanent visa under the *Migration Act 1958*; and
- (c) is domiciled in Australia or an external Territory.

Australian vessel means:

- (a) a vessel that is owned, possessed or controlled by:
 - (i) the Commonwealth, a State or a Territory; or
 - (ii) an authority of the Commonwealth, a State or a Territory; or

- (b) a vessel that is registered in Australia; or
- (c) a vessel that is flying the Australian flag.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

national of a foreign country means:

- (a) a citizen of the country; or
- (b) a corporation incorporated in the country.

149 After section 11

Insert:

11A Application of Act in relation to Greater Sunrise special regime area

- (1) This Act applies, in accordance with this section, in relation to the Greater Sunrise special regime area as if that area were part of the adjacent area in respect of the Northern Territory.
- (2) A provision of this Act applying because of subsection (1) applies (despite section 11) only in relation to:
 - (a) Australian nationals who are not nationals or permanent residents of Timor-Leste; and
 - (b) Australian permanent residents who are not nationals or permanent residents of Timor-Leste; and
 - (c) the Commonwealth; and
 - (d) persons who are authorities of the Commonwealth; and
 - (e) the States; and
 - (f) the Territories; and
 - (g) persons who are authorities of the States or Territories; and
 - (h) Australian aircraft; and
 - (i) Australian vessels; and
 - (j) members of crews (including persons in charge) of Australian aircraft and Australian vessels; and
 - (k) persons, aircraft or vessels declared under subsection (3) to be subject to the provision.

- (3) The Minister may, by notifiable instrument, declare all or any of one or more of the following to be subject to a provision of this Act, if the Minister is satisfied that Timor-Leste has agreed to them being subject to the provision as it has effect in relation to a place that is in or above the Greater Sunrise special regime area:
- (a) nationals of a foreign country who are not nationals or permanent residents of Timor-Leste;
 - (b) aircraft with the nationality of a foreign country other than Timor-Leste;
 - (c) vessels with the nationality of a foreign country other than Timor-Leste;
 - (d) members of crews (including persons in charge) of aircraft or vessels described in paragraph (b) or (c).
- (4) Despite subsection (2), a provision of this Act applying because of subsection (1) does not apply in relation to a matter that relates to any of the Petroleum Activities within the meaning of the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (5) Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* does not affect the application of a provision of this Act.

Note: Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* provides that a law of the Commonwealth does not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.

Part 24—Amendment of the Seas and Submerged Lands Act 1973

Seas and Submerged Lands Act 1973

150 Subsection 3(1)

Insert:

Greater Sunrise special regime area means the area described in clause 1 of Schedule 2.

151 Subsection 3(1) (definition of *the Convention*)

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

152 Subsection 3(1)

Insert:

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

153 At the end of subsection 3(3)

Add:

Note: Division 2AA of Part 2 affects the operation of laws in the part of the continental shelf of Australia in the Greater Sunrise special regime area.

154 After Division 2 of Part II

Insert:

Division 2AA—Greater Sunrise special regime area

13AA Joint exercise of rights in Greater Sunrise special regime area

Within the Greater Sunrise special regime area, Australia is to exercise its rights as a coastal state pursuant to Article 77 of the Convention jointly with Timor-Leste.

Note: Under section 780M of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, Australia's rights may be exercised by the Designated Authority, the Governance Board or the Dispute Resolution Committee provided for by the Timor Sea Maritime Boundaries Treaty.

13AB Operation of Commonwealth law in relation to Greater Sunrise special regime area

- (1) A law of the Commonwealth, a State or a Territory does not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.
- (2) Subsection (1) is subject to a contrary intention.

13AC Cessation of effect of this Division

- (1) This Division ceases to have effect at the start of the day after the Greater Sunrise Special Regime, within the meaning of the Timor Sea Maritime Boundaries Treaty, ceases to be in force under the treaty.
- (2) The Minister must announce, by notifiable instrument, the day that regime ceases to be in force under that treaty.

155 Schedule (heading)

After “Schedule”, insert “1”.

156 At the end of the Act

Add:

Schedule 2—Greater Sunrise special regime area

Note: See the definition of *Greater Sunrise special regime area* in subsection 3(1).

1 Greater Sunrise special regime area

- (1) The *Greater Sunrise special regime area* is the area of the continental shelf contained within the rhumb lines connecting the points described in the following table.

Corners of boundary of Greater Sunrise special regime area			
Item	Point	Latitude of point	Longitude of point
1	GS-1	09°49'54.88"S	127°55'04.35"E
2	GS-2	09°49'54.88"S	128°20'04.34"E
3	GS-3	09°39'54.88"S	128°20'04.34"E
4	GS-4	09°39'54.88"S	128°25'04.34"E
5	GS-5	09°29'54.88"S	128°25'04.34"E
6	GS-6	09°29'54.88"S	128°20'04.34"E
7	GS-7	09°24'54.88"S	128°20'04.34"E
8	GS-8	09°24'54.88"S	128°00'04.34"E
9	GS-9	09°29'54.88"S	127°53'24.35"E
10	GS-10	09°29'54.88"S	127°52'34.35"E
11	GS-11	09°34'54.88"S	127°52'34.35"E
12	GS-12	09°34'54.88"S	127°50'04.35"E
13	GS-13	09°37'24.88"S	127°50'04.35"E
14	GS-14	09°37'24.89"S	127°45'04.35"E
15	GS-15	09°44'54.88"S	127°45'04.35"E
16	GS-16	09°44'54.88"S	127°50'04.35"E
17	GS-17	09°47'24.88"S	127°50'04.35"E
18	GS-18	09°47'24.88"S	127°55'04.35"E

- (2) The position on the surface of the Earth of the Greater Sunrise special regime area is to be determined by reference to the Geocentric Datum of Australia as defined in Gazette No. 35 of 6 September 1995 (GDA94 geocentric data set).

2 Illustrative map of the Greater Sunrise special regime area

The following map illustrates the Greater Sunrise special regime area and its location relative to Australia and Timor-Leste.



Note: The lines on the map that connect points TA-13, TA-12 and TA-11 reflect Article 2 of the Timor Sea Maritime Boundaries Treaty.

Part 25—Amendment of the Telecommunications Act 1997

Telecommunications Act 1997

157 After clause 2A of Schedule 3A

Insert:

2AA Operation in Greater Sunrise special regime area

Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* does not affect the application of a provision of this Schedule.

Note: Subsection 13AB(1) of the *Seas and Submerged Lands Act 1973* provides that a law of the Commonwealth does not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 1 Amendment of the Australian Jobs Act 2013

Schedule 2—Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 1—Amendment of the Australian Jobs Act 2013

Australian Jobs Act 2013

1 Subparagraphs 7(1)(d)(i) and 117(1)(b)(i)

Omit “and outside the Greater Sunrise special regime area (within the meaning of the *Seas and Submerged Lands Act 1973*)”.

Part 2—Amendment of the Australian Postal Corporation Act 1989

Australian Postal Corporation Act 1989

2 Subsection 9(4) (definition of *offshore area*)

Repeal the definition, substitute:

offshore area of a State or a Territory has the same meaning as in
the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 3 Amendment of the Offshore Minerals Act 1994

Part 3—Amendment of the Offshore Minerals Act 1994

Offshore Minerals Act 1994

3 Section 35A

Repeal the section.

Part 4—Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Division 1—Amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

4 Section 4

Omit “Principal”.

5 Section 7

Repeal the following definitions:

- (a) definition of *Eastern Greater Sunrise offshore area*;
- (b) definition of *Greater Sunrise unitisation agreement*;
- (c) definition of *Greater Sunrise unit reservoir petroleum production licence*;
- (d) definition of *Greater Sunrise visiting inspector*.

6 Section 7 (paragraph (g) of the definition of offshore area)

Omit “Principal Northern Territory offshore area”, substitute “offshore area of the Northern Territory”.

7 Section 7 (paragraph (h) of the definition of offshore area)

Repeal the paragraph.

8 Section 7 (definition of offshore area)

Omit “(h)”.

9 Section 7 (definition of *Principal Northern Territory offshore area*)

Repeal the definition.

10 Subsection 8(1) (cell at table item 4, column headed “is...”)

Repeal the cell, substitute:

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 4 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

so much of the scheduled area for the Northern Territory as comprises waters of the sea that are:

- (a) beyond the outer limits of the coastal waters of the Northern Territory; and
- (b) within the outer limits of the continental shelf.

11 Subsection 40(1) (note 3A)

Omit “the Eastern Greater Sunrise offshore area and”.

12 Subsection 56(4) (heading)

Repeal the heading, substitute:

Northern Territory

13 Subsection 56(4)

Omit “Principal Northern Territory offshore area”, substitute “offshore area of the Northern Territory”.

14 Subsections 56(6) and (7)

Repeal the subsections.

15 Subsection 57(1)

Omit “(other than the Northern Territory)”.

16 Subsections 57(2) and (3)

Repeal the subsections.

17 Paragraph 61(2A)(a)

Repeal the paragraph.

18 Subsection 64(2)

Repeal the subsection.

19 Section 67

Repeal the section.

20 Section 69

Repeal the section.

21 Subsections 168(7) and 170(4)

Repeal the subsections (not including the notes).

22 Paragraph 171(1)(c)

Repeal the paragraph.

23 Section 172

Repeal the section.

24 Subsection 173(5)

Repeal the subsection.

25 Subsection 173A(1)

Omit “(other than a Greater Sunrise unit reservoir petroleum production licence)”.

26 Paragraph 191(1)(a)

Omit “(other than either of the Greater Sunrise unit reservoirs)”.

27 Subsection 227(9)

Repeal the subsection.

28 Section 285 (heading)

Omit “not recovered from a Greater Sunrise unit reservoir”.

29 Subsection 285(1)

Omit “(other than petroleum from the Greater Sunrise unit reservoirs)”.

30 Section 286 (heading)

Repeal the heading, substitute:

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 4 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

286 Current apportionment percentage of petroleum recovered from a Greater Sunrise unit reservoir

31 Subsections 286(1), (2) and (3)

Repeal the subsections, substitute:

Scope

- (1) For the purposes of subsection 2C(1) of the *Petroleum Resource Rent Tax Assessment Act 1987*, this section:
- (a) applies in relation to an amount of petroleum that is recovered at a particular time from a Greater Sunrise unit reservoir; and
 - (b) defines the current apportionment percentage for the amount.

32 Subsection 286(4) (definition of *current apportionment percentage*)

Repeal the definition, substitute:

current apportionment percentage, in relation to an amount of petroleum recovered at a particular time, means 79.9%.

33 Subsections 506(7) and 555(7)

Repeal the subsections.

34 Paragraph 602(4)(b)

Omit “limitation; and”, substitute “limitation.”.

35 Paragraph 602(4)(c)

Repeal the paragraph.

36 Section 602H

Repeal the section.

37 Section 776 (heading)

Omit “external”.

38 Paragraph 776(1)(b)

Omit “external”.

39 Section 777

Repeal the section.

40 Paragraph 780F(1)(a)

Omit “(other than a Greater Sunrise visiting inspector)”.

41 Paragraph 780F(1)(b)

Repeal the paragraph.

42 Paragraph 780F(2)(a)

Omit “(other than a Greater Sunrise visiting inspector)”.

43 Paragraph 780F(2)(b)

Repeal the paragraph.

44 Paragraph 780F(7)(a)

Omit “(other than a Greater Sunrise visiting inspector)”.

45 Paragraph 780F(7)(b)

Repeal the paragraph.

46 Paragraph 780F(8)(a)

Omit “(other than a Greater Sunrise visiting inspector)”.

47 Paragraph 780F(8)(b)

Repeal the paragraph.

48 Paragraph 780F(9)(a)

Omit “(other than a Greater Sunrise visiting inspector)”.

49 Paragraph 780F(9)(b)

Repeal the paragraph.

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 4 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

50 Paragraph 7(1)(ea) of Schedule 6

Repeal the paragraph.

51 Subclause 9(1) of Schedule 6

Omit “(other than the Joint Authority for the Principal Northern Territory offshore area or the Joint Authority for the Eastern Greater Sunrise offshore area)”.

52 Subclauses 9(1A) and (1B) of Schedule 6

Repeal the subclauses.

53 Subclause 11(1) of Schedule 6

Omit “(1)”.

54 Subclause 11(1) of Schedule 6

Omit “(other than the Designated Authority for the Principal Northern Territory offshore area or the Designated Authority for the Eastern Greater Sunrise offshore area)”.

55 Subclauses 11(2) and (3) of Schedule 6

Repeal the subclauses.

56 Subclause 13(3) of Schedule 6

Repeal the subclause.

57 Subclause 15(1) of Schedule 6

Omit “(other than the Register for the Principal Northern Territory offshore area or the Register for the Eastern Greater Sunrise offshore area)”.

58 Subclauses 15(1A) and (1B) of Schedule 6

Repeal the subclauses.

59 Schedule 7 (heading)

Repeal the heading, substitute:

Schedule 7—Western Greater Sunrise area

60 Clause 2 of Schedule 7

Repeal the clause.

Division 2—Saving and transitional provisions

61 Revocation of petroleum retention leases in Greater Sunrise special regime area

- (1) A petroleum retention lease that was in force under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* over a block in the Eastern Greater Sunrise offshore area immediately before the commencement of this item is wholly revoked by this item on its commencement.

Note 1: This item commences only once the Greater Sunrise Production Sharing Contract under the Timor Sea Maritime Boundaries Treaty has come into force. Under Article 4 of Annex B to the treaty, the conditions of the contract must be equivalent to the legal rights held under the retention leases.

Note 2: Division 4 of Part 2.3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not apply in relation to the revocation, because it occurs by force of this item.

Note 3: Under section 471 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, the Titles Administrator must enter in the relevant Register a memorial of the revocation.

- (2) To avoid doubt, the following provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* do not apply as a result of the revocation:
- (a) section 14;
 - (b) section 115;
 - (c) subsection 132(3);
 - (d) section 178;
 - (e) section 708.

Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 4 Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

62 Saving of paragraph 61(2A)(a) and subsection 64(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

Despite the repeal of paragraph 61(2A)(a) and subsection 64(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by this Part, that paragraph and subsection continue to apply for the purposes of proceedings occurring after that repeal (whether the proceedings started before, on or after that repeal).

63 Saving of Schedule 6 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

Despite the amendments of Schedule 6 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by this Part, that Schedule continues to have effect as if it had not been amended.

Schedule 3—Compensation for acquisition of property

1 Compensation for acquisition of property

- (1) If the operation of this Act would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

*[Minister's second reading speech made in—
House of Representatives on 4 July 2019
Senate on 29 July 2019]*

(98/19)
