

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

No. 32 of 1986

An Act to provide for the application and administration of laws at sites where off-shore facilities are or are to be moored or fixed in the adjacent waters of Queensland and for related purposes

[ASSENTED TO 27TH AUGUST, 1986]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. **Short title.** This Act may be cited as the *Off-shore Facilities Act 1986*.

2. **Interpretation.** (1) In this Act, unless the contrary intention appears—

“adjacent waters of Queensland” means—

- (a) the waters of the territorial sea of mainland Australia or of the territorial sea adjacent to any island forming part of Queensland that are within the area defined from time to time in the Third Schedule to the *Petroleum (Submerged Lands) Act 1982*;
 - (b) waters that are on the landward side of any part of the territorial sea referred to in paragraph (a) and are within the area referred to in that paragraph but that are not within the limits of the State;
- and
- (c) waters that are beyond the outer limits of the territorial sea referred to in paragraph (a) and within the area referred to in that paragraph;

“applied law” means the laws of the State that by this Act are applied in respect of the site or intended site of an off-shore facility and in respect of the waters adjacent to the site;

“fixed” in relation to an off-shore facility means embedded in, resting upon or attached to the sea-bed or a reef by means of any pier, pile, column or other structural thing other than a retractable pier, pile, column or other structural thing that forms part of a vessel;

“laws of the State” means the common law and the statute law applicable in Queensland whether made, in the case of statute law, by or pursuant to an Act and includes by-laws or ordinances made by a Local Authority but does not include a law made by or pursuant to an Act of the Commonwealth;

“Local Authority” includes Brisbane City Council and a Local Authority within the meaning of the *Local Government Act 1936-1986* and an Administrator appointed under that Act;

“moored” in relation to an off-shore facility means anchored or made fast, supported by water or by any retractable pier, pile, column or other structural thing that forms part of a vessel, and includes anchored or made fast with an ability to rise and fall with the tide or to swing about a pivotal point;

“off-shore facility” means—

- (a) any vessel other than one referred to in subsection (2);
 - (b) any thing made by man that is a structure or is in the nature of a structure;
- or
- (c) any thing declared by Order in Council to be an off-shore facility for the purposes of this Act,

that is or is to be moored or fixed in, on or under the adjacent waters of Queensland for a purpose other than that of exploring for or drilling petroleum within the meaning of the *Petroleum (Submerged Lands) Act 1982*;

“site” in relation to an off-shore facility includes the waters adjacent to the vessel or thing that is the off-shore facility that are likely to be used regularly or occasionally in conjunction with or for the purposes of the off-shore facility;

“vessel” includes a ship, boat, air-cushion vehicle, barge, pontoon or craft, capable of floating whether wholly or partly submerged, and whether or not it is self propelled.

(2) The expression “off-shore facility” does not include—

- (a) any vessel that is moored for a temporary purpose of short-term duration;
- (b) any vessel moored only because it is temporarily prevented from continuing its voyage on account of—
 - (i) inclement weather;
 - (ii) industrial disputation;

or

- (iii) any circumstance beyond the control of the person who, at the material time, is in charge of the vessel or may effectually direct as to the movement of the vessel.

3. Exemptions. The provisions of this Act do not apply in respect of any vessel or thing that is declared by Order in Council or in respect of any vessel or thing of a class declared by Order in Council to be a vessel or thing or, as the case may be, a class of vessel or thing in respect of which this Act does not apply, for so long as the relevant Order in Council subsists.

4. Application of laws. (1) Every provision, rule and doctrine of the laws of the State applies according to its tenor at the site where an off-shore facility is or is to be moored or fixed as if the site—

in so far as it consists of land, were part of Queensland;

or

in so far as it consists of water, were within the limits of the State,

except to the extent that—

- (a) application of the provision, rule or doctrine would be inconsistent with application of a valid law of the Commonwealth that applies at the site;
- (b) the content of the provision, rule or doctrine is such that the provision, rule or doctrine cannot sensibly be applied at the site.

5. Fixed off-shore facility deemed harbour works. For the purposes of the applied law and in particular the *Harbours Act 1955-1982* and the provisions of law made pursuant thereto an off-shore facility that is or is to be fixed and the affixing thereof shall be deemed to be harbour works within the meaning of that Act.

6. Moored off-shore facility deemed vessel. For the purposes of the applied law and in particular the *Queensland Marine Act 1958-1985* and the provisions of law made pursuant thereto an off-shore facility that is or is to be moored shall be deemed to be a vessel within the meaning of that Act plying on an intra-State voyage.

7. Jurisdiction in respect of matters connected with off-shore facilities. (1) Jurisdiction is hereby conferred on the courts of Queensland to hear and determine all matters that arise by reason of the application of the provisions, rules and doctrines of the laws of the State at the site where an off-shore facility is or is to be moored or fixed, to the same extent as if the matters had arisen within the State.

(2) Where—

jurisdiction to hear and determine proceedings before a court;

or

authority to do any act,

in respect of any matter having a connexion with an off-shore facility or waters adjacent thereto depends upon the site of the facility being in a particular district or area of Queensland, the site of the facility shall be deemed to be within the district or area that includes that part of Queensland nearest, by direct measurement, to the site.

8. Construction of Act. No provision of this Act shall be construed so as—

- (a) to confer or imply in the Crown in right of the State a proprietary right that it does not have apart from this Act;
- (b) to affect the operation of the Great Barrier Reef Marine Park Act 1975 of the Commonwealth, as amended from time to time, or any Act passed in substitution therefor, as amended from time to time.

9. Regulations. The Governor in Council may make regulations not inconsistent with this Act with respect to all matters that are necessary or convenient to be prescribed for the proper administration of this Act or for achieving the objects and purposes of this Act.