



Off-shore Facilities Act 1986

Reprinted as in force on 23 September 1994

Reprint No. 1*

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 23 September 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- number and renumber provisions and references (s 43).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

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Off-shore Facilities Act 1986

[as amended by all amendments that commenced on or before 23 September 1994]

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

1 Short title

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

2 Interpretation

(1) In this Act—

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 Schedule 3 to the *Petroleum (Submerged Lands) Act 1982*; and
- (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 offshore facility and in respect of the waters adjacent to the site.

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fixed in relation to an offshore facility means embedded in, resting upon or attached to the seabed 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 local laws made by a local government but does not include a law made by or pursuant to an Act of the Commonwealth.

moored in relation to an offshore 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.

offshore facility means—

- (a) any vessel other than one referred to in subsection (2);
or
- (b) anything made by man that is a structure or is in the nature of a structure; or
- (c) anything declared by regulation to be an offshore 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 offshore facility includes the waters adjacent to the vessel or thing that is the offshore facility that are likely to be used regularly or occasionally in conjunction with or for the purposes of the offshore 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 **offshore 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; or
 - (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 regulation or in respect of any vessel or thing of a class declared by regulation 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 regulation subsists.

4 Application of laws

Every provision, rule and doctrine of the laws of the State applies according to its tenor at the site where an offshore facility is or is to be moored or fixed as if the site—

- (a) in so far as it consists of land—were part of Queensland; or
- (b) in so far as it consists of water—were within the limits of the State;

except to the extent that—

- (c) application of the provision, rule or doctrine would be inconsistent with application of a valid law of the Commonwealth that applies at the site;
- (d) 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 offshore facility deemed harbour works

For the purposes of the applied law and in particular the *Harbours Act 1955* and the provisions of law made pursuant thereto an offshore 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 offshore facility taken to be ship

For the purposes of the applied law and in particular the *Marine Safety Act 1994*, an offshore facility that is or is to be moored is taken to be a ship on a Queensland intrastate voyage (within the meaning of that Act).

7 Jurisdiction in respect of matters connected with offshore 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 offshore facility is or is to be moored or fixed, to the same extent as if the matters had arisen within the State.

(2) Where—

(a) jurisdiction to hear and determine proceedings before a court; or

(b) authority to do any act;

in respect of any matter having a connection with an offshore 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) affect the operation of the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

9 Regulation making power

The Governor in Council may make regulations under this Act.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 September 1994. Future amendments of the Off-shore Facilities Act 1986 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1994 Act No. 14	3 June 1994	23 September 1994

5 List of legislation

Off-shore Facilities Act 1986 No. 32

date of assent 27 August 1986

commenced on date of assent

amending legislation—

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced on date of assent (see s 2)

Marine Safety Act 1994 No. 14 s 234 sch 2

date of assent 27 April 1994

commenced 3 June 1994 (1994 SL No. 177)

6 List of annotations**Interpretation**

- s 2 def “**Local Authority**” om 1994 No. 14 s 234 sch 2
def “**offshore facility**” amd 1994 No. 14 s 234 sch 2

Exemptions

- s 3 amd 1994 No. 14 s 234 sch 2

Application of laws

- s 4 amd 1990 No. 88 s 3 sch

Moored offshore facility taken to be ship

- s 6 sub 1994 No. 14 s 234 sch 2

Construction of Act

- s 8 amd 1994 No. 14 s 234 sch 2

Regulation making power

- s 9 sub 1994 No. 14 s 234 sch 2

7 Table of changed names and titles

under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
by-law (of a local authority)	local law (of a local government)	Local Government Act 1993 s 755(1)(l)
local authority	local government	Local Government Act 1993 s 755(1)(a)
ordinance (of a local authority)	local law (of a local government)	Local Government Act 1993 s 755(1)(l)

8 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

9 Table of renumbered provisions

under the Reprints Act 1992 s 43

Previous	Renumbered as
4, 1st unnum para	4(a)
4, 2nd unnum para	4(b)
4(a).	4(c)
4(b)	4(d)
7(2), 1st unnum para	7(2)(a)
7(2), 2nd unnum para	7(2)(b)