



Off-shore Facilities Act 1986

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Queensland

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Contents

		Page
1	Short title	3
2	Interpretation	3
3	Exemptions	5
4	Application of laws	5
5	Fixed offshore facility deemed harbour works	5
6	Moored offshore facility taken to be ship	6
7	Jurisdiction in respect of matters connected with offshore facilities	6
8	Construction of Act	6
9	Regulation making power	7

Off-shore Facilities Act 1986

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.

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—

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- (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 *Transport Operations (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.