



Maritime Powers Regulation 2014

Select Legislative Instrument No. 31, 2014

made under the

Maritime Powers Act 2013

Compilation No. 4

Compilation date: 1 October 2019

Includes amendments up to: F2019L01049

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Maritime Powers Regulation 2014* that shows the text of the law as amended and in force on 1 October 2019 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of regulation

This regulation is the *Maritime Powers Regulation 2014*.

3 Authority

This regulation is made under the *Maritime Powers Act 2013*.

4 Definitions

In this regulation:

Act means the *Maritime Powers Act 2013*.

5 Laws that are not Australian laws

The following laws are prescribed for paragraph (b) of the definition of *Australian law* in section 8 of the Act:

- (a) the *Aviation Transport Security Act 2004*;
- (b) the *Aviation Transport Security Regulations 2005*;
- (c) the *Maritime Transport and Offshore Facilities Security Act 2003*;
- (d) the *Maritime Transport and Offshore Facilities Security Regulations 2003*.

6 Laws that are monitoring laws

The following laws are prescribed for paragraph (g) of the definition of *monitoring law* in section 8 of the Act:

- (aa) the *Biosecurity Act 2015*;
- (ab) regulations and other legislative instruments made under the *Biosecurity Act 2015*;
- (a) the *Environment Protection (Sea Dumping) Act 1981*;
- (b) the *Customs (Prohibited Exports) Regulations 1958*;
- (c) the *Customs (Prohibited Imports) Regulations 1956*;
- (d) the *Customs (International Obligations) Regulation 2015*;
- (da) the *Customs Regulation 2015*;
- (e) the *Fisheries Management (International Agreements) Regulations 2009*;
- (f) the *Fisheries Management Regulations 2019*;
- (g) the *Migration Regulations 1994*;
- (h) the *Migration (United Nations Security Council Resolutions) Regulations 2007*;
- (i) the *Torres Strait Fisheries Regulations 1985*.

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7 International agreements and international decisions

International agreements

- (1) The following international agreements are prescribed for subparagraph 12(b)(i) of the Act:
- (a) the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York on 4 December 1995;

Note: The Agreement is in Australian Treaty Series 2001 No. 8 ([2001] ATS 8) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (b) the Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands, done at Paris on 8 January 2007;

Note: The Agreement is in Australian Treaty Series 2011 No. 1 ([2011] ATS 1) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (c) the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome on 22 November 2009;

Note: The Agreement could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (d) the Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters, done at Sydney on 18 December 1978;

Note: The Treaty is in Australian Treaty Series 1985 No. 4 ([1985] ATS 4) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (da) 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;

Note: The Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (e) the Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories (TAAF), Heard Island and the McDonald Islands, done at Canberra on 24 November 2003;

Note: The Treaty is in Australian Treaty Series 2005 No. 6 ([2005] ATS 6) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).
 - (f) the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982.

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Note: The Convention is in Australian Treaty Series 1994 No. 31 ([1994] ATS 31) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

International decisions

- (2) The following international decisions are prescribed for subparagraph 12(b)(i) of the Act:

- (a) Conservation and Management Measure 2006-08, *Western Central Pacific Fisheries Commission Boarding and Inspection Procedures*, made under Article 26 of the Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Note: The Convention is in Australian Treaty Series 2000 No. 1 ([2004] ATS 15) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (b) Resolution 10/11, *On Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, adopted by the Indian Ocean Tuna Commission established under the Agreement for the Establishment of the Indian Ocean Tuna Commission;

Note: The Agreement is in Australian Treaty Series 1996 No. 20 ([1996] ATS 9) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (c) Conservation Measure 10-03 (2012), *Port Inspections of fishing vessels carrying Antarctic marine living resources*, adopted by the Commission for the Conservation of Antarctic Marine Living Resources under the Convention on the Conservation of Antarctic Marine Living Resources;

Note: The Convention is in Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (d) the System of Inspection implemented by the Commission for the Conservation of Antarctic Marine Living Resources under Article XXIV of the Convention on the Conservation of Antarctic Marine Living Resources.

Note: The Convention is in Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Security Council decisions

- (3) The following decisions of the Security Council of the United Nations are prescribed for subparagraph 12(b)(i) of the Act:

- (a) United Nations Security Council Resolution 2083 (2012);
 (b) United Nations Security Council Resolution 2111 (2013);
 (c) United Nations Security Council Resolution 2095 (2013);
 (d) United Nations Security Council Resolution 2101 (2013);
 (e) United Nations Security Council Resolution 2125 (2013).

Note: The United Nations Security Council resolutions could in 2014 be viewed on the United Nations' website (<http://www.un.org>).

Part 2—Exercising powers

8 Customs, fiscal, immigration and sanitary laws

The following customs, fiscal, immigration or sanitary laws are prescribed for subparagraph 41(1)(c)(i) of the Act:

- (aa) the *Biosecurity Act 2015*;
- (ab) regulations and other legislative instruments made under the *Biosecurity Act 2015*;
- (a) the *Customs Act 1901*;
- (b) the *Customs (Prohibited Exports) Regulations 1958*;
- (c) the *Customs (Prohibited Imports) Regulations 1956*;
- (d) the *Customs (International Obligations) Regulation 2015*;
- (da) the *Customs Regulation 2015*;
- (e) the *Migration Act 1958*;
- (f) the *Migration Regulations 1994*;
- (g) the *Migration (United Nations Security Council Resolutions) Regulations 2007*.

Part 3—Maritime powers

9 Prescribed maritime officers

The following maritime officers are prescribed for paragraphs 52(4)(d) and 56(4)(d) of the Act:

- (a) a maritime officer who performs duties in the Department administered by the Minister administering the *Migration Act 1958*;
- (b) a maritime officer who is appointed under paragraph 83(1)(a) or (b) of the *Fisheries Management Act 1991* to be an officer for the purposes of that Act;
- (c) a maritime officer who is authorised under paragraph 3(4)(a) or (b) of the *Torres Strait Fisheries Act 1984* to perform duties under that Act;
- (d) a maritime officer who is member of a police force or police service of a State or Territory.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s)
C[x] = Compilation No. x	/sub-subparagraph(s)
Ch = Chapter(s)	pres = present
def = definition(s)	prev = previous
Dict = Dictionary	(prev...) = previously
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)/rule(s)
ed = editorial change	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <i>Legislation Act 2003</i>	s = section(s)/subsection(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rules
No. = Number(s)	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
31, 2014	17 Mar 2014 (F2014L00283)	27 Mar 2014 (s 2)	
31, 2015	30 Mar 2015 (F2015L00371)	Sch 1 (items 2, 3): 1 Apr 2015 (s 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (items 19, 20) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3
Fisheries Legislation Amendment (Repeals and Consequential Provisions) Regulations 2019	25 Mar 2019 (F2019L00380)	Sch 1 (item 5): 1 Oct 2019 (s 2(1) item 1)	—
Timor Sea Legislation Amendment (Maritime Boundaries Treaty) Regulations 2019	12 Aug 2019 (F2019L01049)	Sch 1 (item 5): 30 Aug 2019 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LIA s 48D
s 6.....	am No 31, 2015; F2016L00717; F2019L00380
s 7.....	am F2019L01049
Part 2	
s 8.....	am No 31, 2015; F2016L00717