



Maritime Powers Regulation 2014

Select Legislative Instrument No. 31, 2014

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Maritime Powers Act 2013*.

Dated 13 March 2014

Quentin Bryce
Governor-General

By Her Excellency's Command

Scott Morrison
Minister for Immigration and Border Protection

OPC60319 - B

Contents

Part 1—Preliminary	1
1 Name of regulation	1
2 Commencement	1
3 Authority	1
4 Definitions	1
5 Laws that are not Australian laws	1
6 Laws that are monitoring laws	1
7 International agreements and international decisions	2
Part 2—Exercising powers	5
8 Customs, fiscal, immigration and sanitary laws	5
Part 3—Maritime powers	6
9 Prescribed maritime officers	6

Part 1—Preliminary

1 Name of regulation

This regulation is the *Maritime Powers Regulation 2014*.

2 Commencement

This regulation commences at the same time as sections 3 to 122 of the *Maritime Powers Act 2013* commence.

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:

- (a) the *Environment Protection (Sea Dumping) Act 1981*;
- (b) the *Customs (Prohibited Exports) Regulations 1958*;

Section 7

- (c) the *Customs (Prohibited Imports) Regulations 1956*;
- (d) the *Customs Regulations 1926*;
- (e) the *Fisheries Management (International Agreements) Regulations 2009*;
- (f) the *Fisheries Management Regulations 1992*;
- (g) the *Migration Regulations 1994*;
- (h) the *Migration (United Nations Security Council Resolutions) Regulations 2007*;
- (i) the *Torres Strait Fisheries Regulations 1985*.

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>).

- (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.

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;

Section 7

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:

- (a) the *Customs Act 1901*;
- (b) the *Customs (Prohibited Exports) Regulations 1958*;
- (c) the *Customs (Prohibited Imports) Regulations 1956*;
- (d) the *Customs Regulations 1926*;
- (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.