

Export Control Legislation Amendment (Timor Sea Maritime Boundaries Treaty) Order 2019

I, Bridget McKenzie, Minister for Agriculture, make the following order.

Dated 9 August 2019

Bridget McKenzie

Minister for Agriculture

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1 Name

This instrument is the *Export Control Legislation Amendment (Timor Sea Maritime Boundaries Treaty) Order 2019*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | At the same time as Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019* commences.  However, the provisions do not commence at all if that Schedule does not commence. | 30 August 2019 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Export Control (Orders) Regulations 1982.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Export Control (Eggs and Egg Products) Orders 2005

1 Order 7 (definition of *installed*)

Repeal the definition, substitute:

***installed***: a resources industry structure is ***installed*** in an area at a time if, assuming that the structure were a sea installation within the meaning of the *Sea Installations Act 1987* and that the area were part of an adjacent area within the meaning of that Act, the structure would be taken under section 6 of that Act to be installed in an adjacent area at the time.

2 Order 7 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

3 Order 7 (paragraph (a) of the definition of *resources industry structure*)

Omit “*Installation*”, substitute “*Installations*”.

4 Order 7

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

5 Paragraph 23.1(e)

Omit “are”.

6 Paragraph 23.1(f)

Repeal the paragraph, substitute:

(f) consigned to a resources industry structure that is installed within any of the following areas, for consumption on the structure:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

7 Suborder 23.1 (note)

Omit “***Joint Petroleum Development Area*** and ***resources industry structure***”, substitute “***resources industry structure*** and ***Timor Sea Maritime Boundaries Treaty***”.

8 Suborder 23.2

Omit “resource industry mobile unit (within the meaning given by the *Sea Installation Act 1987*) that is not installed”, substitute “resources industry mobile unit (within the meaning of the *Sea Installations Act 1987*) that is not installed in an area”.

Export Control (Fish and Fish Products) Orders 2005

9 Order 8 (definition of *installed*)

Repeal the definition, substitute:

***installed***: a resources industry structure is ***installed*** in an area at a time if, assuming that the structure were a sea installation within the meaning of the *Sea Installations Act 1987* and that the area were part of an adjacent area within the meaning of that Act, the structure would be taken under section 6 of that Act to be installed in an adjacent area at the time.

10 Order 8 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

11 Order 8

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

12 Paragraph 25.1(e)

Omit “are”.

13 Paragraph 25.1(f)

Repeal the paragraph, substitute:

(f) consigned to a resources industry structure that is installed within any of the following areas, for consumption on the structure:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

14 Suborder 25.1 (note)

Omit “***Joint Petroleum Development Area*** and ***resources industry structure***”, substitute “***resources industry structure*** and ***Timor Sea Maritime Boundaries Treaty***”.

15 Suborder 25.2

Omit “resource industry mobile unit (within the meaning given by the *Sea Installations Act 1987*) that is not installed”, substitute “resources industry mobile unit (within the meaning of the *Sea Installations Act 1987*) that is not installed in an area”.

Export Control (Meat and Meat Products) Orders 2005

16 Suborder 8.1 (definition of *installed*)

Repeal the definition, substitute:

***installed***: a resource industry structure is ***installed*** in an area at a time if, assuming that the structure were a sea installation within the meaning of the *Sea Installations Act 1987* and that the area were part of an adjacent area within the meaning of that Act, the structure would be taken under section 6 of that Act to be installed in an adjacent area at the time.

17 Suborder 8.1 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

18 Suborder 8.1 (paragraphs (a) and (b) of the definition of *resource industry structure*)

Omit “resource”, substitute “resources”.

19 Suborder 8.1

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

20 Paragraph 23.1(e)

Repeal the paragraph, substitute:

(e) the meat or meat products are consigned to a resource industry structure that is installed within any of the following areas, for consumption on the structure:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

21 Suborder 23.1 (note)

Omit “***Joint Petroleum Development Area***, ***installed*** and ***resource industry structure***”, substitute “***installed***, ***resource industry structure*** and ***Timor Sea Maritime Boundaries Treaty***”.

22 Suborder 23.2

Omit “resource industry mobile unit (within the meaning given by the *Sea Installations Act 1987*) that is not installed”, substitute “resources industry mobile unit (within the meaning of the *Sea Installations Act 1987*) that is not installed in an area”.

Export Control (Milk and Milk Products) Orders 2005

23 Order 7 (definition of *installed*)

Repeal the definition, substitute:

***installed***: a resources industry structure is ***installed*** in an area at a time if, assuming that the structure were a sea installation within the meaning of the *Sea Installations Act 1987* and that the area were part of an adjacent area within the meaning of that Act, the structure would be taken under section 6 of that Act to be installed in an adjacent area at the time.

24 Order 7 (definition of *Joint Petroleum Development Area*)

Repeal the definition.

25 Order 7 (paragraph (a) of the definition of *resources industry structure*)

Omit “*Installation*”, substitute “*Installations*”.

26 Order 7

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

27 Paragraph 23.1(e)

Omit “are”.

28 Paragraph 23.1(f)

Repeal the paragraph, substitute:

(f) consigned to a resources industry structure that is installed within any of the following areas, for consumption on the structure:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

29 Suborder 23.1 (note)

Omit “***Joint Petroleum Development Area*** and ***resources industry structure***”, substitute “***resources industry structure*** and ***Timor Sea Maritime Boundaries Treaty***”.

30 Suborder 23.2

Omit “resource industry mobile unit (within the meaning given by the *Sea Installation Act 1987*) that is not installed”, substitute “resources industry mobile unit (within the meaning of the *Sea Installations Act 1987*) that is not installed in an area”.

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

31 Suborder 1.09(1)

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

32 Suborder 2.10(1)

Omit “Subject to suborder (2), an”, substitute “An”.

33 Suborder 2.10(2)

Repeal the subsection, substitute:

(2) For the purposes of suborder (3) and paragraph (4)(c), a resources industry fixed structure or a resources industry mobile unit is installed in an area at a time if, assuming that the structure or unit were a sea installation and that the area were part of an adjacent area, the structure or unit would be taken under section 6 of the *Sea Installations Act 1987* to be installed in an adjacent area at the time.

34 Suborder 2.10(3)

Omit “resource industry mobile unit (within the meaning given by the *Sea Installation Act 1987*) that is not installed”, substitute “resources industry mobile unit that is not installed in an area”.

35 Paragraph 2.10(4)(c)

Repeal the paragraph, substitute:

(c) the poultry meat or poultry meat products are consigned to a resources industry fixed structure, or a resources industry mobile unit, that is installed within any of the following areas, for consumption on the structure or unit:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

Export Control (Prescribed Goods—General) Order 2005

36 Subsection 1.05(1)

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

37 Subsection 2.01(1)

Omit “Subject to subsection (2), an”, substitute “An”.

38 Subsection 2.01(2)

Repeal the subsection, substitute:

(2) For the purposes of suborder (3) and paragraph (4)(f), a resources industry fixed structure or a resources industry mobile unit is installed in an area at a time if, assuming that the structure or unit were a sea installation and that the area were part of an adjacent area, the structure or unit would be taken under section 6 of the *Sea Installations Act 1987* to be installed in an adjacent area at the time.

39 Subsection 2.01(3)

Omit “(within the meaning given by the *Sea Installations Act 1987*) that is not installed”, substitute “that is not installed in an area”.

40 Paragraph 2.01(4)(f)

Repeal the paragraph, substitute:

(f) goods that are consigned to a resources industry fixed structure, or a resources industry mobile unit, that is installed within any of the following areas, for consumption on the structure or unit:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010

41 Suborder 1.10(1)

Insert:

***Timor Sea Maritime Boundaries Treaty*** means 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, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

42 Suborder 2.10(1)

Omit “Subject to suborder (2), an”, substitute “An”.

43 Suborder 2.10(2)

Repeal the subsection, substitute:

(2) For the purposes of suborder (3) and paragraph (4)(e), a resources industry fixed structure or a resources industry mobile unit is installed in an area at a time if, assuming that the structure or unit were a sea installation and that the area were part of an adjacent area, the structure or unit would be taken under section 6 of the *Sea Installations Act 1987* to be installed in an adjacent area at the time.

44 Suborder 2.10(3)

Omit “resource industry mobile unit (within the meaning given by the *Sea Installation Act 1987*) that is not installed”, substitute “resources industry mobile unit that is not installed in an area”.

45 Paragraph 2.10(4)(e)

Repeal the paragraph, substitute:

(e) the wild game meat or wild game meat products are consigned to a resources industry fixed structure, or a resources industry mobile unit, that is installed within any of the following areas, for consumption on the structure or unit:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.