



Maritime Powers Regulations 2023

made under the

Maritime Powers Act 2013

Compilation No. 1

Compilation date:	1 October 2023
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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 Regulations 2023* that shows the text of the law as amended and in force on 1 October 2023 (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 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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement	1
3 Authority	1
4 Schedules	1
5 Definitions	1
Part 2—Australian laws and monitoring laws	3
6 Laws that are not Australian laws	3
7 Laws that are monitoring laws	3
Part 3—International agreements and decisions	4
8 International agreements	4
9 International decisions	5
Part 4—Exercising powers between countries	8
10 Customs, fiscal, immigration and sanitary laws	8
Part 5—Maritime powers	9
11 Prescribed maritime officers	9
Schedule 1—Repeals and amendments	10
Part 1—Repeals	10
<i>Maritime Powers Regulation 2014</i>	10
Part 2—Amendments	11
<i>Maritime Powers Regulations 2023</i>	11
Endnotes	12
Endnote 1—About the endnotes	12
Endnote 2—Abbreviation key	13
Endnote 3—Legislation history	14
Endnote 4—Amendment history	15

Part 1—Preliminary

1 Name

This instrument is the *Maritime Powers Regulations 2023*.

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. Parts 1 to 5 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	16 September 2023
2. Schedule 1, Part 1	The day after this instrument is registered.	16 September 2023
3. Schedule 1, Part 2	The later of: (a) immediately after the commencement of the provisions covered by table item 1; and (b) 1 October 2023.	1 October 2023 (paragraph (b) applies)

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 *Maritime Powers Act 2013*.

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.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

Part 1 Preliminary

Section 5

- (a) international agreement;
- (b) international decision;
- (c) maritime officer.

In this instrument:

Act means the *Maritime Powers Act 2013*.

Part 2—Australian laws and monitoring laws

6 Laws that are not Australian laws

For the purposes of paragraph (b) of the definition of *Australian law* in section 8 of the Act, the following laws are prescribed:

- (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*.

7 Laws that are monitoring laws

For the purposes of paragraph (g) of the definition of *monitoring law* in section 8 of the Act, the following laws are prescribed:

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

Part 3—International agreements and decisions

8 International agreements

For the purposes of subparagraph 12(b)(i) of the Act, the following international agreements are prescribed:

- (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 2023 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 2023 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 is in Australian Treaty Series 2016 No. 21 ([2016] ATS 21) and could in 2023 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 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (e) 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 is in Australian Treaty Series 2019 No. 16 ([2019] ATS 16) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (f) 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 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (g) 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 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

9 International decisions

- (1) For the purposes of subparagraph 12(b)(i) of the Act, the following international decisions are prescribed:

- (a) the following Conservation and Management Measures adopted by the Western and Central Pacific Fisheries Commission under the Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:
- (i) CMM 2006-08, Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures;
 - (ii) CMM 2017-02, Conservation and Management Measure on Minimum Standards for Port State Measures;

Note 1: The Conservation and Management Measures could in 2023 be viewed on the website of the Western and Central Pacific Fisheries Commission (<https://www.wcpfc.int>).

Note 2: The Convention is in Australian Treaty Series 2004 No. 15 ([2004] ATS 15) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (b) the following Conservation and Management Measures adopted by the Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement under that Agreement:
- (i) CMM 2020/08, Conservation and Management Measure establishing a Port Inspection Scheme;
 - (ii) CMM 2021/14, Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement;

Note 1: The Conservation and Management Measures could in 2023 be viewed on the website of the Southern Indian Ocean Fisheries Agreement (<https://siofa.org>).

Note 2: The Agreement is in Australian Treaty Series 2012 No. 21 ([2012] ATS 21) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (c) the following Conservation and Management Measures adopted by the South Pacific Regional Fisheries Management Organisation under the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean:
- (i) CMM 11-2023, Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the South Pacific Regional Fisheries Management Organisation;
 - (ii) CMM 07-2022, Conservation and Management Measure on Minimum Standards of Inspection in Port;

Section 9

Note 1: The Conservation and Management Measures could in 2023 be viewed on the website of the South Pacific Regional Fisheries Management Organisation (<https://www.sprfmo.int>).

Note 2: The Convention is in Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

(d) the following Resolutions adopted by the Indian Ocean Tuna Commission under the Agreement for the Establishment of the Indian Ocean Tuna Commission:

(i) Resolution 05/03, Relating to the establishment of an IOTC programme of inspection in port;

(ii) Resolution 16/11, On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

Note 1: The Resolutions could in 2023 be viewed on the website of the Indian Ocean Tuna Commission (<https://iotc.org>).

Note 2: The Agreement is in Australian Treaty Series 1996 No. 20 ([1996] ATS 20) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

(e) the Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port, agreed to by the Extended Commission for the Conservation of Southern Bluefin Tuna under the Convention for the Conservation of Southern Bluefin Tuna;

Note 1: The Resolution could in 2023 be viewed on the website of the Commission for the Conservation of Southern Bluefin Tuna (<https://www.ccsbt.org>).

Note 2: The Convention is in Australian Treaty Series 1994 No. 16 ([1994] ATS 16) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

(f) Conservation Measure 10-03 (2019), 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 1: The Conservation Measure could in 2023 be viewed on the website of the Commission for the Conservation of Antarctic Marine Living Resources (<https://ccamlr.org>).

Note 2: The Convention is in Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

(g) the System of Inspection established by the Commission for the Conservation of Antarctic Marine Living Resources under the Convention on the Conservation of Antarctic Marine Living Resources.

Note 1: The System of Inspection could in 2023 be viewed on the website of the Commission for the Conservation of Antarctic Marine Living Resources (<https://ccamlr.org>).

Note 2: The Convention is in Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

(2) For the purposes of subparagraph 12(b)(i) of the Act, the following international decisions of the Security Council of the United Nations are prescribed:

(a) United Nations Security Council Resolution 2083 (2012);

- (b) United Nations Security Council Resolution 2095 (2013);
- (c) United Nations Security Council Resolution 2111 (2013);
- (d) United Nations Security Council Resolution 2125 (2013);
- (e) United Nations Security Council Resolution 2146 (2014);
- (f) United Nations Security Council Resolution 2292 (2016);
- (g) United Nations Security Council Resolution 2375 (2017);
- (h) United Nations Security Council Resolution 2397 (2017).

Note: The United Nations Security Council Resolutions could in 2023 be viewed on the United Nations' website (<http://www.un.org>).

Part 4—Exercising powers between countries

10 Customs, fiscal, immigration and sanitary laws

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

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

Part 5—Maritime powers

11 Prescribed maritime officers

For the purposes of paragraphs 52(4)(d) and 56(4)(d) of the Act, the following maritime officers are prescribed:

- (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 section 83 of the *Fisheries Management Act 1991* to be an officer for the purposes of that Act;
- (c) a maritime officer who is authorised under subsection 3(4) of the *Torres Strait Fisheries Act 1984* to perform duties under that Act;
- (d) a maritime officer who is a member of a police force or police service of a State or Territory.

Schedule 1—Repeals and amendments

Part 1—Repeals

Maritime Powers Regulation 2014

1 The whole of the instrument

Repeal the instrument.

Part 2—Amendments

Maritime Powers Regulations 2023

2 Subparagraph 9(1)(c)(i)

Repeal the subparagraph, substitute:

- (i) CMM 11-2023, Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the South Pacific Regional Fisheries Management Organisation;

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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to 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) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(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

Name	Registration	Commencement	Application, saving and transitional provisions
Maritime Powers Regulations 2023	15 Sept 2023 (F2023L01246)	s 1–11 and Sch 1 (item 1): 16 Sept 2023 (s 2(1) items 1, 2) Remainder: 1 Oct 2023 (s 2(1) item 3)	

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 3	
s 9	am F2023L01246
Schedule 1	
Schedule 1	rep LA s 48C