2016-2017-2018

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Timor Sea Maritime Boundaries Treaty Consequential Amendments Bill 2018

No. , 2018

(Resources and Northern Australia)

A Bill for an Act to amend laws relating to certain areas and boundaries in the Timor Sea, and for related purposes
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Division 1—Amendments


Division 2—Saving and transitional provisions

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A Bill for an Act to amend laws relating to certain areas and boundaries in the Timor Sea, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2018.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

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No. 2018 Timor Sea Maritime Boundaries Treaty Consequential Amendments Bill 2018
column 2 of the table. Any other statement in column 2 has effect according to its terms.

### Commencement information

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<th>Column 2</th>
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<tr>
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<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1</td>
<td>The day 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 enters into force for Australia. The Minister must announce, by notifiable instrument, the day the treaty enters into force.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 2</td>
<td>A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the Greater Sunrise Production Sharing Contract (within the meaning of 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) comes into force.</td>
<td></td>
</tr>
<tr>
<td>4. Schedule 3</td>
<td>The day 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 enters into force for Australia.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted.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

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

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Provisions commencing when new treaty comes into force

Part 1—Amendment of the Admiralty Act 1988

Admiralty Act 1988

1 Subsection 22(5) (note to the definition of innocent passage)

Omit “the Schedule”, substitute “Schedule 1”.

Timor Sea Maritime Boundaries Treaty Consequential Amendments No. 2018 Bill 2018


2 Section 5

Insert:

Greater Sunrise special regime area has the same meaning as in the Seas and Submerged Lands Act 1973.

3 At the end of section 11

Add:

Modifications relating to Greater Sunrise special regime area

(3) Despite subsections (1) and (2), if the rules prescribe modifications of this Act, or specified provisions of this Act, for its operation under subsection (1) or (2) in relation to all or part of the Greater Sunrise special regime area then, so far as this Act would, apart from this subsection, extend to the area or part, it has effect as so modified.

(4) For the purposes of subsection (3), the rules may prescribe different modifications relating to different parts of the Greater Sunrise special regime area.

Extension relating to Greater Sunrise special regime area

(5) Despite subsection 13AB(1) of the Seas and Submerged Lands Act 1973:

(a) an extension of this Act under subsection (1) of this section has effect; and

(b) an extension of this Act, or a provision of this Act, because of rules made for the purposes of subsection (2) of this section may (subject to those rules) have effect;
Schedule 1  Provisions commencing when new treaty comes into force


in relation to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area. This subsection has effect whether or not the extension is affected by subsection (3) of this section.
Part 3—Amendment of the Clean Energy Regulator Act 2011

Clean Energy Regulator Act 2011

4 Section 4 (definition of Joint Petroleum Development Area)
Repeal the definition.

5 Section 9
Repeal the section, substitute:

9 Extension to Greater Sunrise special regime area
(1) Despite subsection 13AB(1) of the Seas and Submerged Lands Act 1973, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area (within the meaning of that Act).
(2) This section does not limit section 8.
Part 4—Amendment of the Climate Change Authority Act 2011

Climate Change Authority Act 2011

6 Section 4 (definition of Joint Petroleum Development Area)
Repeal the definition.

7 Section 9
Repeal the section, substitute:

9 Extension to Greater Sunrise special regime area
(1) Despite subsection 13AB(1) of the Seas and Submerged Lands Act 1973, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area (within the meaning of that Act).

(2) This section does not limit section 8.
Part 5—Amendment of the Customs Act 1901

Customs Act 1901

8 Subsection 4(1) (definition of Australian seabed)  
Omit “(other than the seabed within the Joint Petroleum Development Area)”.

9 Subsection 4(1)  
Insert:

Greater Sunrise special regime area has the same meaning as in the Seas and Submerged Lands Act 1973.

10 Subsection 4(1) (definition of Joint Petroleum Development Area)  
Repeal the definition.

11 Subsection 4(1) (paragraphs (a) and (b) of the definition of place outside Australia)  
Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

12 Subsection 4(1)  
Insert:

resources installation in the Greater Sunrise special regime area means a resources installation that is attached to the seabed in the Greater Sunrise special regime area.

13 Subsection 4(1) (definition of resources installation in the Joint Petroleum Development Area)  
Repeal the definition.

14 Subsection 4(1)  
Insert:
**Schedule 1** Provisions commencing when new treaty comes into force

**Part 5** Amendment of the Customs Act 1901

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**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 from time to time.

Note: The Treaty could in 2018 be viewed in the Australian Treaties Library

on the AustLII website (http://www.austlii.edu.au).

**Timor Sea petroleum activities purpose**, in relation to goods,

means the purpose of the goods being:

(a) taken to a resources installation that is attached to the seabed:

   (i) in the Greater Sunrise special regime area; or

   (ii) above the Bayu-Undan Gas Field within the meaning of

        the Timor Sea Maritime Boundaries Treaty; or

   (iii) in the Bayu-Undan pipeline international offshore area

        within the meaning of the *Offshore Petroleum and

        Greenhouse Gas Storage Act 2006*; or

   (iv) above the Kitan Oil Field within the meaning of the

        Timor Sea Maritime Boundaries Treaty; and

(b) used at the resources installation for a purpose related to

    Petroleum Activities within the meaning of the Timor Sea

    Maritime Boundaries Treaty.

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15 **Subsection 4(9A)**

Repeal the subsection, substitute:

(9A) If it is necessary to determine whether a resources installation is

attached to the seabed (the relevant seabed):

(a) in the Greater Sunrise special regime area; or

(b) above the Bayu-Undan Gas Field within the meaning of the

    Timor Sea Maritime Boundaries Treaty; or

(c) in the Bayu-Undan pipeline international offshore area within

    the meaning of the *Offshore Petroleum and Greenhouse Gas

    Storage Act 2006*; or

(d) above the Kitan Oil Field within the meaning of the Timor

    Sea Maritime Boundaries Treaty;

subsection (9) has effect as if a reference in that subsection to the

Australian seabed were a reference to the relevant seabed.
16 **Subsection 58B(1) (definition of external place)**
   
   Omit “East Timor”, substitute “Timor-Leste”.

17 **Subsection 58B(2)**
   
   Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

18 **Subsection 58B(2)**
   
   Omit “East Timor”, substitute “Timor-Leste”.

19 **Subsection 58B(3)**
   
   Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

20 **Subsection 58B(3)**
   
   Omit “East Timor”, substitute “Timor-Leste”.

21 **Subsection 58B(4)**
   
   Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

22 **Subsection 58B(4)**
   
   Omit “East Timor”, substitute “Timor-Leste”.

23 **Subsection 58B(5)**
   
   Omit “Joint Petroleum Development Area”, substitute “Greater Sunrise special regime area”.

24 **Subsection 58B(5)**
   
   Omit “East Timor”, substitute “Timor-Leste”.

25 **Section 131AA**
   
   Repeal the section, substitute:
**Part 5** Amendment of the Customs Act 1901

131AA **No duty on goods for Timor Sea petroleum activities purpose**

(1) Goods taken out of Australia for the Timor Sea petroleum activities purpose are not liable to any duty of Customs in relation to the taking of the goods out of Australia.

(2) Goods brought into Australia for the Timor Sea petroleum activities purpose are not liable to any duty of Customs in relation to the bringing of the goods into Australia.
Part 6—Amendment of the Customs Tariff Act 1995

Customs Tariff Act 1995

26 Subsection 3(1) (definition of petroleum activity)

Repeal the definition.

27 Subsection 3(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 from time to time.


28 Schedule 4 (table item 14)

Repeal the item, substitute:

14 Goods, as prescribed by by-law, that are for use in an activity that is one of the Petroleum Activities within the meaning of the Timor Sea Maritime Boundaries Treaty and takes place in:

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

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

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

(d) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty
Part 7—Amendment of the Fair Work Act 2009

Fair Work Act 2009

29 Section 12 (definition of continental shelf)

Repeal the definition, substitute:

continental shelf means:

(a) the continental shelf (as defined in the Seas and Submerged Lands Act 1973) of Australia (including its external Territories); and

(b) the Greater Sunrise special regime area (as defined in the Seas and Submerged Lands Act 1973).

30 At the end of section 33

Add:

Extension relating to Greater Sunrise special regime area

(6) Despite subsection 13AB(1) of the Seas and Submerged Lands Act 1973:

(a) an extension of this Act under subsection (1) of this section has effect; and

(b) an extension of this Act, or a provision of this Act, because of regulations made for the purposes of subsection (3) of this section may (subject to those regulations) have effect;

in relation to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area. This subsection has effect whether or not the extension is affected by subsection (4) of this section.
Part 8—Amendment of the International Organisations (Privileges and Immunities) Act 1963

International Organisations (Privileges and Immunities) Act 1963

31 Section 5B

Repeal the section.
Part 9—Amendment of the Migration Act 1958

Migration Act 1958

32 Subsection 5(1) (definition of Australian seabed)

Omit “(other than the seabed within the Joint Petroleum Development Area)”. 

33 Subsection 5(1) (definition of Joint Petroleum Development Area)

Repeal the definition.
Part 10—Amendment of the National Greenhouse and Energy Reporting Act 2007

Division 1—Amendments

National Greenhouse and Energy Reporting Act 2007

34 Subsection 6A(2)

    Repeal the subsection, substitute:

    (2) Despite subsection 13AB(1) of the Seas and Submerged Lands Act 1973, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area.

    (3) Subsection (2) does not limit subsection (1).

    (4) Despite subsections (1) and (2), the safeguard provisions do not apply to a facility in the Greater Sunrise special regime area.

35 Section 6B

    Repeal the section.

36 Section 7

    Insert:

    *Greater Sunrise special regime area* has the same meaning as in the *Seas and Submerged Lands Act 1973*.

37 Section 7

    Repeal the following definitions:

    (a) definition of *Greater Sunrise unit area*;

    (b) definition of *Joint Petroleum Development Area*.
Division 2—Transitional provisions

38 Transitional provisions for reporting on facilities in Joint Petroleum Development Area if this Part does not commence on 1 July

(1) This item applies in relation to a facility and a financial year if:
   (a) this Part commences at a time in the financial year after the start of the financial year; and
   (b) during the part of the financial year before the commencement of this Part (the pre-commencement period), the facility was operated in the Joint Petroleum Development Area and outside the Greater Sunrise unit area.

(2) A report by a corporation under section 19 of the National Greenhouse and Energy Reporting Act 2007 relating to the facility and the financial year must relate to the:
   (a) greenhouse gas emissions; and
   (b) energy production; and
   (c) energy consumption;

   from the operation of the facility for only so much of the pre-commencement period as the facility was under the operational control of the corporation and entities that are members of the corporation’s group.

(3) A report by a corporation under section 22G of the National Greenhouse and Energy Reporting Act 2007 relating to the facility and the financial year must relate to the:
   (a) greenhouse gas emissions; and
   (b) energy production; and
   (c) energy consumption;

   from the operation of the facility for only so much of the pre-commencement period as the corporation was the holder of a reporting transfer certificate in relation to the facility.

(4) A report by the responsible member under section 22X of the National Greenhouse and Energy Reporting Act 2007 relating to the facility and the financial year must relate to the:
   (a) greenhouse gas emissions; and
(b) energy production; and

c) energy consumption;

from the operation of the facility for only so much of the
pre-commencement period as the facility was under the operational
control of the responsible member.
Part 11—Amendment of the Offshore Minerals Act 1994

Offshore Minerals Act 1994

39 Subsection 10(3) (after paragraph (f) of the definition of International Seabed Agreement)
   Insert:
   and (g) 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;

40 Subsection 13(1) (note)
   Omit “Note”, substitute “Note 1”.

41 Subsection 13(1) (note)
   Omit “5(3)”, substitute “6(3)”.

42 At the end of subsection 13(1)
   Add:
   Note 2: Neither of the following areas described in the Offshore Petroleum and Greenhouse Gas Storage Act 2006 is an offshore area of a State:
   (a) the Bayu-Undan pipeline international offshore area;
   (b) the Greater Sunrise pipeline international offshore area.

43 After section 35
   Insert:

35A Act does not apply in relation to Greater Sunrise special regime area
   This Act does not apply to the Greater Sunrise special regime area within the meaning of the Seas and Submerged Lands Act 1973.

Division 1—Amendments


44 Subsection 6(3) (map 1)

Repeal the map, substitute:
45 Subsection 6(3) (note 3)

Repeal the note.

46 Section 7

Insert:

Bayu-Undan pipeline international offshore area means the area described in Schedule 8.
Greater Sunrise pipeline international offshore area means the area declared under section 780P.

Greater Sunrise special regime area has the same meaning as in the Seas and Submerged Lands Act 1973.

47 Section 7 (definition of Greater Sunrise unit area)
Repeal the definition.

48 Section 7 (definition of Greater Sunrise unitisation agreement)
After “2003”, insert “, as in force immediately before the commencement of Schedule 1 to the Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2018”.

49 Section 7 (definition of Joint Petroleum Development Area)
Repeal the definition.

50 Section 7 (at the end of the definition of offshore area)
Add:

Note 3: Under section 8A, each of the following areas is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines:
(a) the Bayu-Undan pipeline international offshore area;
(b) the Greater Sunrise pipeline international offshore area (if declared).

51 Section 7
Insert:

Timorese Designated Authority means the authority that is the Designated Authority under paragraph 2 of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty.

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 from time to time.

52 Section 7

Repeal the following definitions:

(a) definition of Timor Sea Treaty;
(b) definition of Timor Sea Treaty Designated Authority.

53 Section 7 (note to the definition of Western Greater Sunrise area)

Repeal the note.

54 Subsection 8(1) (table item 3, column headed “is...”, paragraph (b))

Omit “shelf; and”, substitute “shelf.”.

55 Subsection 8(1) (table item 3, column headed “is...”, paragraph (c))

Repeal the paragraph.

56 Subsection 8(1) (cell at table item 4, column headed “is...”)

Repeal the cell, substitute:

both of the following:

(a) so much of the scheduled area for the Northern Territory as comprises waters of the sea that are:
   (i) beyond the outer limits of the coastal waters of the Northern Territory; and
   (ii) within the outer limits of the continental shelf;
(b) the Eastern Greater Sunrise offshore area.
57 **Subsection 8(1) (cell at table item 5, column headed “is…”)**

Repeal the cell, substitute:

so much of the scheduled area for that Territory as consists of land and water that is within the outer limits of the continental shelf.

58 **After section 8**

Insert:

8A **Pipeline international offshore areas treated as offshore areas**

(1) The provisions of this Act listed in subsection (2), and regulations or other instruments made for the purposes of those provisions, apply in relation to each of the following areas as if it were an offshore area:

- (a) the Bayu-Undan pipeline international offshore area (which is described in Schedule 8);
- (b) the Greater Sunrise pipeline international offshore area (if it is declared under section 780P).

(2) The provisions are as follows:

- (a) the following definitions in section 7:
  - (i) definition of Joint Authority;
  - (ii) definition of petroleum pipeline;
  - (iii) definition of secondary line;
- (b) section 9;
- (c) section 16;
- (d) section 30;
- (e) subsection 56(1);
- (f) Division 1 of Part 2.6;
- (g) subsection 221(5) so far as it refers to construction in an offshore area of a petroleum pipeline but not so far as it refers to petroleum recovered from a place beyond the outer limits of any offshore area;
- (h) Division 3 of Part 2.6;
- (i) Division 1 of Part 2.12;
(j) section 280;
(k) Parts 4.1 and 4.2;
(l) Parts 6.1, 6.1A and 6.2;
(m) Division 1 of Part 6.4;
(n) Divisions 1, 4, 5 and 6 of Part 6.5;
(o) Divisions 1 and 2 of Part 6.6;
(p) section 695R;
(q) Part 7.1;
(r) section 778;
(s) subsection 780A(5);
(t) items 12 and 13 of the table in subsection 782(1).

Note: Although the Greater Sunrise pipeline international offshore area is
treated as an offshore area for the purposes of only one of the
references to offshore area in Division 2 (Obtaining a pipeline licence)
of Part 2.6 (see paragraph (g) of this subsection), that does not prevent
an application for, or the grant of, a pipeline licence for a petroleum
pipeline in the Greater Sunrise pipeline international offshore area.

Other modifications

(3) Paragraphs 227(6)(d) and 506(1)(f) apply as if:
(a) the Bayu-Undan pipeline international offshore area were an
offshore area relating to Western Australia; and
(b) the Greater Sunrise pipeline international offshore area were
an offshore area relating to the Northern Territory.

Other modifications relating to Bayu-Undan pipeline international
offshore area

(4) Despite subsection 217(1), a person cannot apply for the grant of a
pipeline licence authorising construction of a pipeline in the
Bayu-Undan pipeline international offshore area.

Note: On the commencement of this section, a pipeline licence is
automatically granted authorising the pipeline that existed in the
Bayu-Undan pipeline international offshore area immediately before
that commencement: see Schedule 1 to the Timor Sea Maritime
Other modifications relating to Greater Sunrise pipeline international offshore area

(5) Subsections 223(2) and (3) apply to an application for a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if:

(a) references in paragraphs 223(2)(a) and (3)(a) to a petroleum production licence area were references to the Greater Sunrise special regime area; and

(b) references in paragraphs 223(2)(b) and (3)(b) to the petroleum production licensee were references to a person covered by the definition of Greater Sunrise Contractor in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty; and

(c) the reference in subparagraph 223(2)(c)(i) to the petroleum production licence were a reference to the Greater Sunrise Production Sharing Contract within the meaning of that treaty.

(6) Item 5 of the table in subsection 262(1) applies in relation to a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if the references to a petroleum production licensee and the licensee were a reference to a person who:

(a) applied for the pipeline licence; and

(b) is a person covered by the definition of Greater Sunrise Contractor in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty.

59 After paragraph 40(1)(d)

Insert:

or (e) the area described in Schedule 8;

60 Subsection 40(1) (note 3A)

Repeal the note, substitute:

Note 3A: Schedule 7 describes the Eastern Greater Sunrise offshore area and the Western Greater Sunrise area.

Note 3B: Schedule 8 describes the Bayu-Undan pipeline international offshore area.
Schedule 1 Provisions commencing when new treaty comes into force

61 Subsection 49(3) (at the end of the definition of International Seabed Agreement)
Add:
; or (f) the Timor Sea Maritime Boundaries Treaty.

62 At the end of section 56
Add:

Bayu-Undan pipeline international offshore area

(10) The responsible Commonwealth Minister is the Joint Authority for the Bayu-Undan pipeline international offshore area. That Joint Authority is to be known as the Bayu-Undan Offshore Petroleum Joint Authority.

Note: Under section 8A, the Bayu-Undan pipeline international offshore area is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

Greater Sunrise pipeline international offshore area

(11) The responsible Commonwealth Minister is the Joint Authority for the Greater Sunrise pipeline international offshore area. That Joint Authority is to be known as the Greater Sunrise Pipeline Offshore Petroleum Joint Authority.

Note: Under section 8A, the Greater Sunrise pipeline international offshore area (if declared) is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

63 At the end of section 57
Add:

(4) The Joint Authority for the Bayu-Undan pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.

(5) The Joint Authority for the Greater Sunrise pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act
mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.

(6) For the purposes of subsections (4) and (5), the provisions are as follows:

(a) this Part;
(b) Part 2.6;
(c) Part 2.10;
(d) section 264 so far as it applies because of item 2 of the table in subsection 264(1);
(e) Division 1 of Part 2.12;
(f) Division 1 of Part 2.13;
(g) Part 2.14 except section 279;
(h) section 511;
(i) Part 6.1;
(j) Part 6.2;
(k) Part 6.10;
(l) Part 6.11;
(m) Part 9.4;
(n) Part 9.6A;
(o) Part 9.8;
(p) Part 9.9.

64 After paragraph 61(2A)(b)

Insert:

or (c) the Bayu-Undan pipeline international offshore area; or
(d) the Greater Sunrise pipeline international offshore area;

65 After subsection 64(3)

Insert:

Joint Authority for a pipeline international offshore area

(3A) All courts must take judicial notice of:

(a) the signature of a person who is, or has been:

(i) the Joint Authority for the Bayu-Undan pipeline international offshore area; or
Schedule 1 Provisions commencing when new treaty comes into force


(ii) the Joint Authority for the Greater Sunrise pipeline international offshore area; or

(iii) a delegate of the Joint Authority mentioned in subparagraph (i) or (ii); and

(b) the fact that the person is, or was at a particular time:

(i) the Joint Authority for that area; or

(ii) a delegate of the Joint Authority for that area.

66 After section 68

Insert:

68A Delegation by Joint Authority for pipeline international offshore area

(1) The Joint Authority for the Bayu-Undan pipeline international offshore area or the Joint Authority for the Greater Sunrise pipeline international offshore area may, by written instrument, delegate to an SES employee or acting SES employee any or all of the functions or powers of the Joint Authority under this Act or the regulations.

Note 1: The expressions SES employee and acting SES employee are defined in section 2B of the Acts Interpretation Act 1901.

Note 2: See also sections 34AA and 34AB of the Acts Interpretation Act 1901.

(2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:

(a) a vacancy in the office of Joint Authority; or

(b) a change in the identity of the holder of the office of Joint Authority.

(3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the Acts Interpretation Act 1901.

(4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the Gazette.
67  Section 69
Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

68  At the end of Division 1 of Part 1.3
Add:

70  Cooperation with Timorese Designated Authority by Joint Authority for pipeline international offshore area

Joint Authority for Bayu-Undan pipeline international offshore area

(1) The Joint Authority for the Bayu-Undan pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Bayu-Undan Gas Field (within the meaning of the Timor Sea Maritime Boundaries Treaty).

Joint Authority for Greater Sunrise pipeline international offshore area

(2) The Joint Authority for the Greater Sunrise pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Greater Sunrise special regime area.

69  Paragraphs 172(a) and (c)
Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

70  Subsection 173(5) (heading)
Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

71  Paragraph 173(5)(b)
Omit “Timor Sea Treaty Designated Authority”, substitute “Timorese Designated Authority”.

No. 2018  Timor Sea Maritime Boundaries Treaty Consequential Amendments 31
Bill 2018
72 Section 643 (definition of *Commonwealth waters*)

Omit “Territory.”, substitute “Territory, the Bayu-Undan pipeline international offshore area and the Greater Sunrise pipeline international offshore area.”.

73 Section 695AA

Repeal the section.

74 After section 695X

Insert:

695XA CEO of NOPSEMA may share offshore information or things with Timorese Designated Authority

The CEO may make available offshore information or a thing to the Timorese Designated Authority for it to use in the course of the exercise of its powers or the performance of its functions.

75 After Part 9.10C

Insert:

Part 9.10D—Greater Sunrise special regime area

Division 1—Bodies exercising Australia’s rights and responsibilities

780M Bodies exercising Australia’s rights and responsibilities relating to the Greater Sunrise special regime area

The following exercise Australia’s rights and responsibilities relating to Petroleum Activities, within the meaning of the Timor Sea Maritime Boundaries Treaty, in the Greater Sunrise special regime area in accordance with the treaty:

(a) the Timorese Designated Authority;
(b) the Governance Board provided for by Annex B to the treaty;
(c) the Dispute Resolution Committee provided for by Annex B to the treaty.
Division 2—Limits on Australian law in Greater Sunrise special regime area

780N Australian law subject to legislation made under the Timor Sea Maritime Boundaries Treaty

So far as a law of the Commonwealth, a State or a Territory applies in or in relation to the Greater Sunrise special regime area, the law has effect subject to the following:

(a) regulations issued by the Timorese Designated Authority under paragraph 3(n) or (o) of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty (about protection of the marine environment in that area and occupational health and safety of persons employed on certain installations, structures and facilities in that area);

(b) the Interim Petroleum Mining Code and interim regulations for the purposes of that Code while they are in force under paragraph 1 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty;

(c) the final Petroleum Mining Code issued by the Governance Board under paragraph 2 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty.

Note: Laws of the Commonwealth do not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area unless there is a contrary intention: see section 13AB of the Seas and Submerged Lands Act 1973.

Division 3—Declaration of Greater Sunrise pipeline international offshore area

780P Declaration of Greater Sunrise pipeline international offshore area

(1) If the responsible Commonwealth Minister is satisfied that a person proposes to construct a petroleum pipeline for conveying petroleum recovered from the Greater Sunrise special regime area to a place in Australia, the Minister may, by notifiable instrument,
declare an area, through which the pipeline is proposed to extend, as the Greater Sunrise pipeline international offshore area.

(2) The area must:
   (a) consist at least partly of an area in the Greater Sunrise special regime area; and
   (b) adjoin (but not include any of) an offshore area of a State or Territory.

Note: Depending on the proposed route of the pipeline, the area may cover part of the continental shelf of Timor-Leste between an edge of the Greater Sunrise special regime area and the offshore area of a State or Territory.

76 Paragraphs 5(zx), (zy) and (zz) of Schedule 1
Repeal the paragraphs, substitute:
   (zx) thence north-easterly along the geodesic to a point of
        Latitude 10° 37’ 19.03” South, Longitude 126° 03’ 07.94” East; and
   (zy) thence south-easterly along the geodesic to a point of
        Latitude 11° 24’ 00.61” South, Longitude 126° 18’ 22.48” East; and
   (zz) thence easterly along the geodesic to a point of Latitude 11°
        21’ 00.00” South, Longitude 126° 28’ 00.00” East; and
   (zzaa) thence easterly along the geodesic to a point of Latitude 11°
        20’ 00.00” South, Longitude 126° 31’ 00.00” East; and
   (zzab) thence easterly along the geodesic to a point of Latitude 11°
        20’ 02.90” South, Longitude 126° 31’ 58.40” East; and
   (zzac) thence easterly along the geodesic to a point of Latitude 11°
        07° 14.30” South, Longitude 127° 28’ 11.56” East; and

77 Paragraphs 7(l), (m), (n) and (o) of Schedule 1
Repeal the paragraphs, substitute:
   (l) thence north-westerly along the geodesic to a point of
        Latitude 11° 07’ 14.30” South, Longitude 127° 28’ 11.56” East; and
   (m) thence north-easterly along the geodesic to a point of
        Latitude 11° 04’ 37.65” South, Longitude 127° 39’ 32.81” East; and
(n) thence north-easterly along the geodesic to a point of
Latitude 10° 55’ 20.88” South, Longitude 127° 47’ 08.37”
East; and
(o) thence north-easterly along the geodesic to a point of
Latitude 10° 53’ 36.88” South, Longitude 127° 48’ 49.37”
East; and
(oa) thence north-easterly along the geodesic to a point of
Latitude 10° 43’ 37.88” South, Longitude 127° 59’ 20.36”
East; and
(ob) thence north-easterly along the geodesic to a point of
Latitude 10° 29’ 11.87” South, Longitude 128° 12’ 28.36”
East; and
(oc) thence north-easterly along the geodesic to a point of
Latitude 9° 42’ 21.49” South, Longitude 128° 28’ 35.97”
East; and
(od) thence north-easterly along the geodesic to a point of
Latitude 9° 37’ 57.54” South, Longitude 128° 30’ 07.24”
East; and
(oe) thence north-westerly along the geodesic to a point of
Latitude 9° 36’ 28.43” South, Longitude 128° 25’ 04.34”
East; and
(of) thence north along the loxodrome to a point of Latitude 9°
29’ 54.88” South, Longitude 128° 25’ 04.34” East; and
(og) thence west along the loxodrome to a point of Latitude 9° 29’
54.88” South, Longitude 128° 20’ 04.34” East; and
(oh) thence north along the loxodrome to a point of Latitude 9°
24’ 54.88” South, Longitude 128° 20’ 04.34” East; and

78 Paragraphs 8(l) and (m) of Schedule 1

Repeal the paragraphs, substitute:

(l) thence north-easterly along the loxodrome to a point of
Latitude 10° 27’ 54.91” South, Longitude 126° 00’ 04.40”
East; and
(m) thence south-easterly along the geodesic to a point of
Latitude 10° 37’ 19.03” South, Longitude 126° 03’ 07.94”
East; and
Schedule 1  Provisions commencing when new treaty comes into force

79 Clause 1 of Schedule 7
Repeal the clause.

80 At the end of the Act
Add:

Schedule 8—Bayu-Undan pipeline international offshore area

Note: See the definition of Bayu-Undan pipeline international offshore area in section 7.

1 Bayu-Undan pipeline international offshore area

The Bayu-Undan pipeline international offshore area is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11°03′44.4994″S 126°37′6.5192″E</td>
</tr>
<tr>
<td>2</td>
<td>South-westerly along the geodesic to 11°04′03.5791″S 126°36′51.2875″E</td>
</tr>
<tr>
<td>3</td>
<td>South-westerly along the geodesic to 11°04′26.7849″S 126°36′32.7646″E</td>
</tr>
<tr>
<td>4</td>
<td>South-easterly along the geodesic to 11°15′43.6065″S 126°51′02.1405″E</td>
</tr>
<tr>
<td>5</td>
<td>North-easterly along the geodesic to 11°15′34.5559″S 126°51′41.9553″E</td>
</tr>
<tr>
<td>6</td>
<td>North-easterly along the geodesic to 11°15′28.1024″S 126°52′10.3404″E</td>
</tr>
<tr>
<td>7</td>
<td>North-westerly along the geodesic to the starting point</td>
</tr>
</tbody>
</table>

Division 2—Transitional provisions

81 Alteration of permit areas and licence areas to reflect new continental shelf boundary

Petroleum Exploration Permit WA-523-P permit area

(1) On and after the commencement of this subitem, the blocks the subject of Petroleum Exploration Permit WA-523-P, granted under Part 2.2 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 on 27 May 2016, are those constituted by the graticular sections that:
Provisions commencing when new treaty comes into force  **Schedule 1**

Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006  **Part 12**

(a) are shown on map sheet SC52 (Melville Island) in the 1:1,000,000 series prepared and published for the purposes of that Act; and

(b) are referred to in the following table by reference to the number shown on that map sheet.

<table>
<thead>
<tr>
<th>Blocks the subject of Petroleum Exploration Permit WA-523-P</th>
<th>Number of graticular section that constitutes block as shown on map sheet SC52</th>
</tr>
</thead>
<tbody>
<tr>
<td>2305</td>
<td></td>
</tr>
<tr>
<td>2306</td>
<td></td>
</tr>
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<td>2307</td>
<td></td>
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<tr>
<td>2378</td>
<td></td>
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<td>2449</td>
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<td>2450</td>
<td></td>
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<td>2521</td>
<td></td>
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<tr>
<td>2522</td>
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<td>2523</td>
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<td>2593</td>
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<td>2594</td>
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<td>2595</td>
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<td>2665</td>
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<td>2667</td>
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<td>2737</td>
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<td>2738</td>
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<td>2739</td>
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<td>2740</td>
<td></td>
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<td>2809</td>
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</tr>
<tr>
<td>2810</td>
<td></td>
</tr>
<tr>
<td>2811</td>
<td></td>
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<td>2812</td>
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<tr>
<td>2815</td>
<td></td>
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<tr>
<td>2881</td>
<td></td>
</tr>
<tr>
<td>2882</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 1  Provisions commencing when new treaty comes into force


---

Blocks the subject of Petroleum Exploration Permit WA-523-P

Number of graticular section that constitutes block as shown on map sheet SC52

2883
2884
2885
2886
2887
2953
2954
2955
2956
2957
2958
2959
3025
3026
3027
3028
3029

Note 1: Petroleum Exploration Permit WA-523-P covers some blocks in the offshore area of Western Australia.

Note 2: This subitem is to reflect the changes to the offshore area of Western Australia resulting from the changes to the scheduled area for Western Australia made by the amendment of clause 5 of Schedule 1 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 by this Part. That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Note 3: Paragraph 2 of Article 4 of Annex D to the Timor Sea Maritime Boundaries Treaty provides for the security of title and any other rights held by the holder of Petroleum Exploration Permit WA-523-P before the commencement of this item to be preserved through equivalent conditions determined by agreement between the parties to the treaty and the holder of the permit.

(2) To avoid doubt, the alteration of the permit area of Petroleum Exploration Permit WA-523-P by subitem (1) does not otherwise affect:

(a) the continuity of the permit; or

(b) the operation of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 or the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003, or regulations or
other instruments (except the permit) made for the purposes of either of those Acts, in relation to the permit.

Petroleum Production Licence WA-18-L

(3) To avoid doubt, the alteration of the licence area of Petroleum Production Licence WA-18-L, granted on 13 May 1999 under Division 3 of Part III of the repealed Petroleum (Submerged Lands) Act 1967, occurring under paragraph 33(3)(b) of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 as a result of the amendment of clause 5 of Schedule 1 to that Act by this Part does not otherwise affect:

(a) the continuity of the licence; or

(b) the operation of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 or the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003, or regulations or other instruments (except the licence) made for the purposes of either of those Acts, in relation to the licence.

Note 1: Petroleum Production Licence WA-18-L covers a block that is in the offshore area of Western Australia and whose boundary changes because of the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Note 2: That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Petroleum Production Licence AC/L5

(4) To avoid doubt, the alteration of the licence area of Petroleum Production Licence AC/L5, granted on 2 January 2018 under Part 2.4 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006, occurring under paragraph 33(3)(b) of that Act as a result of the amendment of clause 8 of Schedule 1 to that Act by this Part does not otherwise affect:

(a) the continuity of the licence; or

(b) the operation of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 or the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003, or regulations or other instruments (except the licence) made for the purposes of either of those Acts, in relation to the licence.

Note 1: Petroleum Production Licence AC/L5 covers 2 blocks that are in the offshore area of the Territory of Ashmore and Cartier Islands and whose boundaries change because of the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.
Note 2: That amendment is to give effect to the changes in the boundary of the continental shelf resulting from the Timor Sea Maritime Boundaries Treaty.

Gazettal not required

(5) Section 708 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not require the Titles Administrator to cause notice to be published in the Gazette of an event that occurs because of this item or is described in this item.

(6) Subitem (5) has effect despite subitems (2), (3) and (4).

### 82 Alteration of Pipeline Licence WA-8-PL to reflect new continental shelf boundary

#### Application

(1) This item applies in relation to Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

Note: The licence relates to the section of the pipeline running from the Bayu-Undan gas field to Australia that is in the offshore area of Western Australia.

#### Extension of route of pipeline to new continental shelf boundary

(2) On and after the commencement of this item, the licence has effect as if the reference, in the description of the route of the pipeline, to “8751184mN, 280306mE” were a reference to 8754465.49 mN, 266555.28 mE.

(3) To avoid doubt, subitem (2) does not, except as otherwise provided by this item, affect:
   
   (a) the continuity of the licence; or
   
   (b) the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, or regulations or other instruments made for the purposes of either of those Acts, in relation to the licence.

(4) Section 708 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* does not require the Titles Administrator to cause notice to be published in the Gazette of an event relating to the licence that occurs because of this item.
Licence continues to be a prior usage right

(5) To avoid doubt, subitem (2):

(a) does not affect the status of the licence, for the purposes of Subdivision C of Division 4 of Part 15 of the Environment Protection and Biodiversity Conservation Act 1999, as a usage right held by a person on 27 April 2001 in relation to seabed included in a Commonwealth reserve after that day; and

(b) does not cause that usage right to be renewed, or have its term extended, for the purposes of subsection 359(3) of that Act.

Paragraph (b) of this subitem has effect despite the second sentence of subsection 359(3) of that Act.

83 New pipeline licence for part of Bayu-Undan pipeline

Grant of new pipeline licence

(1) On the commencement of this item, a pipeline licence (the new licence) is taken for all purposes to be granted under Part 2.6 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 by the Joint Authority for the Bayu-Undan pipeline international offshore area to the person who, immediately before that commencement, was the registered holder of Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed Petroleum (Submerged Lands) Act 1967.

Content of new pipeline licence

(2) The new licence is taken to specify the Bayu-Undan pipeline international offshore area.

(3) The new licence is taken to specify that the design, construction, size and capacity of the pipeline to which the licence relates are based on the parameters in the following table.

<table>
<thead>
<tr>
<th>Parameters</th>
<th>Item</th>
<th>Item description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Diameter of pipe and riser</td>
<td>Pipeline is constant ID controlled.</td>
<td></td>
</tr>
<tr>
<td>Parameters</td>
<td>Details</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Item description</td>
<td>Details</td>
<td></td>
</tr>
</tbody>
</table>
| 2    | Wall thickness of pipe inclusive of riser (only for carbon steel) | 668.0 mm (ID) (nominal 28 inch)  
619.8 mm (ID) (nominal 26 inch)  
28 inch section: 25.8 mm  
26 inch pipeline within 500m Zone: 23.5 mm  
26 inch pipeline (500m Zone to KP34): 20.7 mm  
26 inch pipeline (KP34 to end): 20.1 mm |
| 3    | Length                                      | 35 km (approximate)                                                      |
| 4    | Design life                                 | 25 years                                                                |
| 5    | Pipeline material                           | Carbon steel                                                            |
| 6    | Pipeline and riser steel grade              | API 5L X65 - Non Sour Service                                            |
| 7    | Pipeline specification                      | DNV OS-F101:2000                                                        |
| 8    | Minimum yield strength of pipe steel        | 448 MPa                                                                 |
| 9    | Maximum allowable operating pressure        | 19.4 MPa                                                                |
| 10   | Design capacity                             | 750 MMscf/d                                                             |
| 11   | Maximum design temperature                  | 90°C                                                                    |
| 12   | Minimum design temperature                  | 0°C                                                                     |
| 13   | Characteristics of substance proposed to be conveyed | Dry gas                                                               |
| 14   | General plans and descriptions of pump stations, tank stations or valve stations and their equipment | The subsea isolation valve (the SSIV) is located on the seabed as part of the tie-in spool, near the lower end of the Gas Export Pipeline Riser. The SSIV operates as a non-return valve and, therefore, closes automatically during reverse flow |
| 15   | General plans and description of pigging facilities | The pig launcher is located at the DDP platform, and the pig receiver is located at the DLNG plant |

1 The new licence is taken to specify that the route and position of the pipeline to which the licence relates is from the downstream flange of the subsea isolation valve (the SSIV) in the Bayu-Undan Field to the

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Bill 2018
boundary of the Bayu-Undan pipeline international offshore area (the

_BUPIOA_) and the offshore area of Western Australia (WA), as
described in the following table (using coordinates based on the

Geocentric Datum of Australia (GDA94)).
### Route and position of pipeline

<table>
<thead>
<tr>
<th>Item</th>
<th>Feature name</th>
<th>KP</th>
<th>UTM Zone</th>
<th>Easting (mE)</th>
<th>Northing (mN)</th>
<th>Bend Radius (m)</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Point immediately adjacent to downstream side of the SSIV flange</td>
<td>0.483</td>
<td>52</td>
<td>239360.50</td>
<td>8775497.11</td>
<td>11°04'03.5791&quot;S</td>
<td>126°36'51.2875&quot;E</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Transition flange 28 inch to 26 inch</td>
<td>0.199</td>
<td>52</td>
<td>239626.13</td>
<td>8775525.97</td>
<td>11°04'02.7090&quot;S</td>
<td>126°37'00.0430&quot;E</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Start of 26 inch pipeline</td>
<td>0.421</td>
<td>52</td>
<td>239885.54</td>
<td>8774963.95</td>
<td>11°04'21.0590&quot;S</td>
<td>126°37'08.4380&quot;E</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Tangent point (TP) 1A</td>
<td>52</td>
<td>240283.57</td>
<td>8774101.41</td>
<td>-2,600</td>
<td>11°04'49.2210&quot;S</td>
<td>126°37'21.3200&quot;E</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Intersection point (IP) 1</td>
<td></td>
<td>52</td>
<td>241143.91</td>
<td>8773698.64</td>
<td>11°05'02.5460&quot;S</td>
<td>126°37'49.5490&quot;E</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>TP1B</td>
<td>2.242</td>
<td>52</td>
<td>242895.91</td>
<td>8772878.44</td>
<td>11°05'29.6800&quot;S</td>
<td>126°38'47.0380&quot;E</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>TP2A</td>
<td>4.176</td>
<td>52</td>
<td>243154.32</td>
<td>8772757.46</td>
<td>11°05'33.6820&quot;S</td>
<td>126°38'55.5170&quot;E</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>IP2</td>
<td>52</td>
<td></td>
<td>243380.34</td>
<td>8772583.42</td>
<td>11°05'39.4010&quot;S</td>
<td>126°39'02.9160&quot;E</td>
<td></td>
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<tr>
<td>9</td>
<td>TP2B</td>
<td>4.744</td>
<td>52</td>
<td>261889.69</td>
<td>8758323.17</td>
<td>11°13'27.9320&quot;S</td>
<td>126°49'09.1240&quot;E</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>TP3A</td>
<td>28.101</td>
<td>52</td>
<td>262229.18</td>
<td>8758061.62</td>
<td>3,000</td>
<td>11°13'36.5230&quot;S</td>
<td>126°49'20.2480&quot;E</td>
</tr>
<tr>
<td>11</td>
<td>IP3</td>
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<td>52</td>
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</tbody>
</table>
### Route and position of pipeline

<table>
<thead>
<tr>
<th>Item</th>
<th>Feature name</th>
<th>KP</th>
<th>UTM zone</th>
<th>Easting (mE)</th>
<th>Northing (mN)</th>
<th>Bend radius (m)</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>TP3B</td>
<td>28.952</td>
<td>52</td>
<td>262481.86</td>
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<td>11°13'47.8460&quot;S</td>
<td>126°49'28.4910&quot;E</td>
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<tr>
<td>13</td>
<td>TP4A</td>
<td>29.095</td>
<td>52</td>
<td>262566.10</td>
<td>8757600.08</td>
<td></td>
<td>11°13'51.6200&quot;S</td>
<td>126°49'31.2390&quot;E</td>
</tr>
<tr>
<td>14</td>
<td>IP4</td>
<td>29.095</td>
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*Provisions commencing when new treaty comes into force  Schedule 1
Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006  Part 12

---

No. , 2018  Timor Sea Maritime Boundaries Treaty Consequential Amendments Bill 2018  45
Schedule 1 Provisions commencing when new treaty comes into force


Affecting new licence

(5) To avoid doubt, the new licence may be terminated, varied, surrendered or cancelled, and the conditions to which it is subject may be varied, under the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Dealings relating to new licence

(6) Any dealings that:

(a) related to Pipeline Licence WA-8-PL, granted on 27 April 2001 under Division 4 of Part III of the repealed Petroleum (Submerged Lands) Act 1967; and

(b) were of a kind to which Part 4.6 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 applies; and

(c) were in force immediately before the commencement of this item;

are taken for all purposes also to be in force in relation to the new licence.

(7) The Titles Administrator must make an entry of each of the dealings mentioned in subsection (6) on the memorial of the new licence in the Register kept under section 469 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 for the Bayu-Undan pipeline international offshore area.

(8) To avoid doubt, dealings relating to the new licence because of subitem (6) may be affected by dealings occurring after the commencement of this item, subject to Part 4.6 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Grant of new licence need not be gazetted

(9) Despite subitem (1), section 708 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 does not require the Titles Administrator to cause notice to be published in the Gazette of the grant of the new licence.
84 Extension of environment plan and safety case for Bayu-Undan pipeline

Application

(1) This item applies in relation to Pipeline Licence WA-8-PL granted on 27 April 2001 under Division 4 of Part III of the repealed Petroleum (Submerged Lands) Act 1967 (the old licence).

Note: The old licence relates to the section of the pipeline running from the Bayu-Undan gas fields to Australia that is in the offshore area of Western Australia.

Extension of environment plan for pipeline

(2) An environment plan (within the meaning of section 572C of the Offshore Petroleum and Greenhouse Gas Storage Act 2006) in force, immediately before the commencement of this item, for an activity relating to the old licence:

(a) continues in force in relation to that activity relating to the old licence as affected by this Part; and
(b) has effect in relation to that activity relating to the pipeline licence taken under this Part to have been granted in relation to the Bayu-Undan pipeline international offshore area.

(3) To avoid doubt, subitem (2) does not prevent any of the following:

(a) revision of the plan;
(b) withdrawal of acceptance of the plan;
(c) end of the operation of the plan.

Extension of safety case for pipeline

(4) A safety case in force in relation to a facility that is the pipeline to which the old licence relates immediately before the commencement of this item:

(a) continues to be a safety case in force in relation to a facility that is the pipeline to which the old licence as affected by this Part relates; and
(b) is a safety case in force in relation to a facility that is the pipeline to which the pipeline licence taken under this Part to have been granted in relation to the Bayu-Undan pipeline international offshore area relates.
For this purpose, *safety case in force in relation to a facility* has the same meaning as in section 7 of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

(5) To avoid doubt, subitem (4) does not prevent any of the following:
   
   (a) revision of the safety case;
   
   (b) withdrawal of acceptance of the safety case.
Part 13—Amendment of the Passenger Movement Charge Collection Act 1978

Passenger Movement Charge Collection Act 1978

85 Section 3

Repeal the following definitions:

(a) definition of *Joint Petroleum Development Area*;

(b) definition of *petroleum*;

(c) definition of *petroleum activities*;

(d) definition of *Timor Sea Treaty*.

86 Paragraph 5(l)

Omit “Joint Petroleum Development Area in connection with the prospecting for petroleum or the undertaking of petroleum operations”, substitute “Greater Sunrise special regime area (within the meaning of the *Seas and Submerged Lands Act 1973*) in connection with Petroleum Activities (within the meaning of 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 from time to time)”.

87 At the end of section 5

Add:

Part 14—Amendment of the Petroleum and Other Fuels Reporting Act 2017

Petroleum and Other Fuels Reporting Act 2017

88 At the end of paragraph 11(1)(c)

Add:

; (iii) in the Greater Sunrise special regime area (within the meaning of the Seas and Submerged Lands Act 1973), in connection with business carried on in that area by the regulated entity.
Part 15—Amendment of the Petroleum (Timor Sea Treaty) Act 2003

Division 1—Amendments

Petroleum (Timor Sea Treaty) Act 2003

89 Sections 3 and 4
Repeal the sections.

90 Subsection 5(1) (definition of Petroleum Mining Code)
Repeal the definition.

91 Subsection 5(1) (definition of Treaty)
Repeal the definition, substitute:

*Treaty* means the Timor Sea Treaty between Australia and East Timor done at Dili on 20 May 2002, as in force immediately before the commencement of Schedule 1 to the Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2018.


92 Part 2
Repeal the Part.

Division 2—Saving provisions

93 Continued jurisdiction of courts and application of law
Despite the repeal of sections 9 and 10 of the Petroleum (Timor Sea Treaty) Act 2003 by this Part, those sections continue to apply in relation to civil matters that:

(a) were described in subsection 9(1) of that Act (as in force before that repeal); and

(b) relate to an act or omission that occurred before that repeal; and

No. 51, 2018 Timor Sea Maritime Boundaries Treaty Consequential Amendments Bill 2018
Schedule 1  Provisions commencing when new treaty comes into force
Part 15  Amendment of the Petroleum (Timor Sea Treaty) Act 2003

1  (c) involve damage suffered, or expenses incurred, before that
2  repeal.
Part 16—Amendment of the Radiocommunications Act 1992

Radiocommunications Act 1992

94 Section 17A (heading)

Repeal the heading, substitute:

17A Greater Sunrise special regime area, Greater Sunrise pipeline international offshore area and Bayu-Undan pipeline international offshore area

95 Subsection 17A(1)

Omit “Western Greater Sunrise area” (wherever occurring), substitute “Greater Sunrise special regime area, the Greater Sunrise pipeline international offshore area and the Bayu-Undan pipeline international offshore area”.

96 Subsections 17A(2) and (3)

Repeal the subsections, substitute:

(2) The extended application given to this Act by subsection (1) extends only in relation to:

(a) acts, matters and things directly or indirectly connected with:

(i) Petroleum Activities (within the meaning of the Timor Sea Maritime Boundaries Treaty) relating to the Greater Sunrise Fields (within the meaning of that treaty); or

(ii) construction, operation, maintenance or decommissioning of a pipeline in the Greater Sunrise pipeline international offshore area; or

(iii) operation, maintenance or decommissioning of the Bayu-Undan Pipeline (within the meaning of that treaty); and

(b) acts done by or in relation to, and matters, circumstances and things affecting, any person who is:
Schedule 1 Provisions commencing when new treaty comes into force

Part 16 Amendment of the Radiocommunications Act 1992

(i) in the Greater Sunrise special regime area for a reason directly or indirectly connected with such Petroleum Activities; or

(ii) in the Greater Sunrise pipeline international offshore area for a reason directly or indirectly connected with the construction, operation, maintenance or decommissioning of a pipeline in the area; or

(iii) in the Bayu-Undan pipeline international offshore area for a reason directly or indirectly connected with the operation, maintenance or decommissioning of the Bayu-Undan Pipeline.

(3) In this section:

Bayu-Undan pipeline international offshore area has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Greater Sunrise pipeline international offshore area has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Greater Sunrise special regime area has the same meaning as in the Seas and Submerged Lands Act 1973.

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 from time to time.

Part 17—Amendment of the Seas and Submerged Lands Act 1973

Seas and Submerged Lands Act 1973

97 Subsection 3(1)

Insert:

Greater Sunrise special regime area means the area described in clause 1 of Schedule 2.

98 Subsection 3(1) (definition of the Convention)

Omit “the Schedule”, substitute “Schedule 1”.

99 Subsection 3(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 from time to time.


100 At the end of subsection 3(3)

Add:

Note: Division 2AA of Part 2 affects the operation of laws in the part of the continental shelf of Australia in the Greater Sunrise special regime area.

101 After Division 2 of Part II

Insert:

No.  , 2018 Timor Sea Maritime Boundaries Treaty Consequential Amendments  55
Bill 2018
Schedule 1  Provisions commencing when new treaty comes into force
Part 17  Amendment of the Seas and Submerged Lands Act 1973

Division 2AA—Greater Sunrise special regime area

13AA  Joint exercise of rights in Greater Sunrise special regime area
Within the Greater Sunrise special regime area, Australia is to
exercise its rights as a coastal state pursuant to Article 77 of the
Convention jointly with Timor-Leste.
Note:  Under section 780M of the Offshore Petroleum and Greenhouse Gas
Storage Act 2006, Australia’s rights may be exercised by the
Designated Authority, the Governance Board or the Dispute
Resolution Committee provided for by the Timor Sea Maritime
Boundaries Treaty.

13AB  Operation of Commonwealth law in relation to Greater
Sunrise special regime area
(1) A law of the Commonwealth, a State or a Territory does not apply
in relation to an act, omission, matter or thing directly or indirectly
connected with the exploration of, or exploitation of the natural
resources of, the continental shelf in the Greater Sunrise special
regime area.
(2) Subsection (1) is subject to a contrary intention.

13AC  Cessation of effect of this Division
(1) This Division ceases to have effect at the start of the day after the
Greater Sunrise Special Regime, within the meaning of the Timor
Sea Maritime Boundaries Treaty, ceases to be in force under the
treaty.
(2) The Minister must announce, by notifiable instrument, the day that
regime ceases to be in force under that treaty.

102  Schedule (heading)
After “Schedule”, insert “1”.

103  At the end of the Act
Add:
Schedule 2—Greater Sunrise special regime area

Note: See the definition of Greater Sunrise special regime area in subsection 3(1).

1 Greater Sunrise special regime area

(1) The Greater Sunrise special regime area is the area of the continental shelf contained within the rhumb lines connecting the points described in the following table.

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<tr>
<th>Item</th>
<th>Point</th>
<th>Latitude of point</th>
<th>Longitude of point</th>
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(2) The position on the surface of the Earth of the Greater Sunrise special regime area is to be determined by reference to the Geocentric Datum of Australia as defined in Gazette No. 35 of 6 September 1995 (GDA94 geocentric data set).
2 Illustrative map of the Greater Sunrise special regime area

The following map illustrates the Greater Sunrise special regime area and its location relative to Australia and Timor-Leste.

Note: The lines on the map that connect points TA-13, TA-12 and TA-11 reflect Article 2 of the Timor Sea Maritime Boundaries Treaty.
Schedule 2—Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Part 1—Amendment of the Offshore Minerals Act 1994

Offshore Minerals Act 1994

1 Section 35A

Repeal the section.

Division 1—Amendments


2 Section 4

Omit “Principal”.

3 Section 7

Repeal the following definitions:

(a) definition of Eastern Greater Sunrise offshore area;
(b) definition of Greater Sunrise unitisation agreement;
(c) definition of Greater Sunrise unit reservoir petroleum production licence;
(d) definition of Greater Sunrise visiting inspector.

4 Section 7 (paragraph (g) of the definition of offshore area)

Omit “Principal Northern Territory offshore area”, substitute “offshore area of the Northern Territory”.

5 Section 7 (paragraph (h) of the definition of offshore area)

Repeal the paragraph.

6 Section 7 (definition of offshore area)

Omit “(h),”.

7 Section 7 (definition of Principal Northern Territory offshore area)

Repeal the definition.

8 Subsection 8(1) (cell at table item 4, column headed “is…”)

Repeal the cell, substitute:
so much of the scheduled area for the
Northern Territory as comprises waters of the sea that are:
(a) beyond the outer limits of the coastal waters of the Northern Territory; and
(b) within the outer limits of the continental shelf.

9 Subsection 40(1) (note 3A)
Omit “the Eastern Greater Sunrise offshore area and”.

10 Subsection 56(4) (heading)
Repeal the heading, substitute:

Northern Territory

11 Subsection 56(4)
Omit “Principal Northern Territory offshore area”, substitute “offshore area of the Northern Territory”.

12 Subsections 56(6) and (7)
Repeal the subsections.

13 Subsection 57(1)
Omit “(other than the Northern Territory)”.

14 Subsections 57(2) and (3)
Repeal the subsections.

15 Paragraph 61(2A)(a)
Repeal the paragraph.

16 Subsection 64(2)
Repeal the subsection.

17 Section 67
Repeal the section.
Schedule 2  Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

18  **Section 69**
    Repeal the section.

19  **Subsections 168(7) and 170(4)**
    Repeal the subsections (not including the notes).

20  **Paragraph 171(1)(c)**
    Repeal the paragraph.

21  **Section 172**
    Repeal the section.

22  **Subsection 173(5)**
    Repeal the subsection.

23  **Subsection 173A(1)**
    Omit “(other than a Greater Sunrise unit reservoir petroleum production licence)”.

24  **Paragraph 191(1)(a)**
    Omit “(other than either of the Greater Sunrise unit reservoirs)”.

25  **Subsection 227(9)**
    Repeal the subsection.

26  **Section 285 (heading)**
    Omit “not recovered from a Greater Sunrise unit reservoir”.

27  **Subsection 285(1)**
    Omit “(other than petroleum from the Greater Sunrise unit reservoirs)”.

28  **Section 286 (heading)**
    Repeal the heading, substitute:
Provisions commencing once Greater Sunrise Production Sharing Contract comes into force Schedule 2
Amendment of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 Part 2

286 Current apportionment percentage of petroleum recovered from a Greater Sunrise unit reservoir

29 Subsections 286(1), (2) and (3)
Repeal the subsections, substitute:

Scope

(1) For the purposes of subsection 2C(1) of the Petroleum Resource Rent Tax Assessment Act 1987, this section:
    (a) applies in relation to an amount of petroleum that is recovered at a particular time from a Greater Sunrise unit reservoir; and
    (b) defines the current apportionment percentage for the amount.

30 Subsection 286(4) (definition of current apportionment percentage)
Repeal the definition, substitute:

current apportionment percentage, in relation to an amount of petroleum recovered at a particular time, means 79.9%.

31 Subsections 506(7) and 555(7)
Repeal the subsections.

32 Paragraph 602(4)(b)
Omit “limitation; and”, substitute “limitation.”.

33 Paragraph 602(4)(c)
Repeal the paragraph.

34 Section 602H
Repeal the section.

35 Section 776 (heading)
Omit “external”.

No. 2018 Timor Sea Maritime Boundaries Treaty Consequential Amendments 63
Bill 2018
<table>
<thead>
<tr>
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| 36 | **Paragraph 776(1)(b)**  
    | Omit “external”.                                                        |
| 37 | **Section 777**  
    | Repeal the section.                                                     |
| 38 | **Paragraph 780F(1)(a)**  
    | Omit “(other than a Greater Sunrise visiting inspector)”.                |
| 39 | **Paragraph 780F(1)(b)**  
    | Repeal the paragraph.                                                   |
| 40 | **Paragraph 780F(2)(a)**  
    | Omit “(other than a Greater Sunrise visiting inspector)”.                |
| 41 | **Paragraph 780F(2)(b)**  
    | Repeal the paragraph.                                                   |
| 42 | **Paragraph 780F(7)(a)**  
    | Omit “(other than a Greater Sunrise visiting inspector)”.                |
| 43 | **Paragraph 780F(7)(b)**  
    | Repeal the paragraph.                                                   |
| 44 | **Paragraph 780F(8)(a)**  
    | Omit “(other than a Greater Sunrise visiting inspector)”.                |
| 45 | **Paragraph 780F(8)(b)**  
    | Repeal the paragraph.                                                   |
| 46 | **Paragraph 780F(9)(a)**  
    | Omit “(other than a Greater Sunrise visiting inspector)”.                |
| 47 | **Paragraph 780F(9)(b)**  
    | Repeal the paragraph.                                                   |
48 Paragraph 7(1)(ea) of Schedule 6

   Repeal the paragraph.

49 Subclause 9(1) of Schedule 6

   Omit “(other than the Joint Authority for the Principal Northern
   Territory offshore area or the Joint Authority for the Eastern Greater
   Sunrise offshore area)”.

50 Subclauses 9(1A) and (1B) of Schedule 6

   Repeal the subclauses.

51 Subclause 11(1) of Schedule 6

   Omit “(1)”.

52 Subclause 11(1) of Schedule 6

   Omit “(other than the Designated Authority for the Principal Northern
   Territory offshore area or the Designated Authority for the Eastern
   Greater Sunrise offshore area)”.

53 Subclauses 11(2) and (3) of Schedule 6

   Repeal the subclauses.

54 Subclause 13(3) of Schedule 6

   Repeal the subclause.

55 Subclause 15(1) of Schedule 6

   Omit “(other than the Register for the Principal Northern Territory
   offshore area or the Register for the Eastern Greater Sunrise offshore
   area)”.

56 Subclauses 15(1A) and (1B) of Schedule 6

   Repeal the subclauses.

57 Schedule 7 (heading)

   Repeal the heading, substitute:
Schedule 2 Provisions commencing once Greater Sunrise Production Sharing Contract comes into force

Schedule 7—Western Greater Sunrise area

58 Clause 2 of Schedule 7

Repeal the clause.

Division 2—Saving and transitional provisions

59 Revocation of petroleum retention leases in Greater Sunrise special regime area

(1) A petroleum retention lease that was in force under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 over a block in the Eastern Greater Sunrise offshore area immediately before the commencement of this item is wholly revoked by this item on its commencement.

Note 1: This item commences only once the Greater Sunrise Production Sharing Contract under the Timor Sea Maritime Boundaries Treaty has come into force. Under Article 4 of Annex B to the treaty, the conditions of the contract must be equivalent to the legal rights held under the retention leases.

Note 2: Division 4 of Part 2.3 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 does not apply in relation to the revocation, because it occurs by force of this item.

Note 3: Under section 471 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006, the Titles Administrator must enter in the relevant Register a memorial of the revocation.

(2) To avoid doubt, the following provisions of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 do not apply as a result of the revocation:

(a) section 14;
(b) section 115;
(c) subsection 132(3);
(d) section 178;
(e) section 708.
Provisions commencing once Greater Sunrise Production Sharing Contract comes into force


Part 2

60 Saving of paragraph 61(2A)(a) and subsection 64(2) of the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Despite the repeal of paragraph 61(2A)(a) and subsection 64(2) of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 by this Part, that paragraph and subsection continue to apply for the purposes of proceedings occurring after that repeal (whether the proceedings started before, on or after that repeal).

61 Saving of Schedule 6 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Despite the amendments of Schedule 6 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 by this Part, that Schedule continues to have effect as if it had not been amended.
Schedule 3—Compensation for acquisition of property

1 Compensation for acquisition of property

(1) If the operation of this Act would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.