



# Torres Strait Treaty (Miscellaneous Amendments) Act 1984

No. 22 of 1984

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# Torres Strait Treaty (Miscellaneous Amendments) Act 1984

No. 22 of 1984

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**An Act to amend certain Acts in consequence of the signing of the Treaty between Australia and the Independent State of Papua New Guinea that was signed at Sydney on 18 December 1978 and for other purposes**

*[Assented to 26 April 1984]*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

## **PART I—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Torres Strait Treaty (Miscellaneous Amendments) Act 1984*.

### **Commencement**

2. (1) This Act, other than Part X, shall come into operation on the day fixed under section 2 of the *Torres Strait Fisheries Act 1984*.

(2) Part X shall come into operation on the day fixed under section 2 of the *Torres Strait Fisheries Act 1984* or the day fixed under section 2 of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*, whichever is the later.

## **PART II—AMENDMENT OF THE CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT 1968**

### **Principal Act**

3. The *Continental Shelf (Living Natural Resources) Act 1968*<sup>1</sup> is in this Part referred to as the Principal Act.

4. After section 3 of the Principal Act the following section is inserted:

### **Application of Act to Protected Zone**

“4. (1) In this section, ‘Protected Zone’ has the same meaning as in the *Torres Strait Fisheries Act 1984*.

“(2) The provisions of this Act other than this section and sections 14 and 17 do not, except in relation to matters that occurred before the commencement of the *Torres Strait Fisheries Act 1984*, apply to or in relation to the Protected Zone.

“(3) Where there is in force a Proclamation under sub-section 15 (1) or (2) of the *Torres Strait Fisheries Act 1984* in relation to an area adjacent to the Protected Zone, the provisions of this Act other than this section and sections 14 and 17 do not, except in relation to matters that occurred before the Proclamation came into force, apply to or in relation to any activities within that area to which the *Torres Strait Fisheries Act 1984* applies by virtue of the Proclamation.”.

## **PART III—AMENDMENT OF THE CUSTOMS ACT 1901**

### **Principal Act**

5. The *Customs Act 1901*<sup>2</sup> is in this Part referred to as the Principal Act.

6. After section 30 of the Principal Act the following section is inserted:

### **Exemptions pursuant to Torres Strait Treaty**

“30A. (1) In this section—

‘area in the vicinity of the Protected Zone’ means an area in respect of which a notice is in force under sub-section (2);

‘Australian place’ means a place in Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone;

‘Papua New Guinea place’ means a place in Papua New Guinea that is in the Protected Zone or in an area in the vicinity of the Protected Zone;

'Protected Zone' means the zone established under Article 10 of the Torres Strait Treaty, being the area bounded by the line described in Annex 9 to that treaty;

'Protected Zone ship' means a ship that is owned or operated by a traditional inhabitant;

'Torres Strait Treaty' means the Treaty between Australia and the Independent State of Papua New Guinea that was signed at Sydney on 18 December 1978;

'traditional activities' has the same meaning as in the Torres Strait Treaty;

'traditional inhabitants' has the same meaning as in the *Torres Strait Fisheries Act 1984*.

“(2) The Minister may, by notice published in the *Gazette*, declare an area adjacent to the Protected Zone to be an area in the vicinity of the Protected Zone for the purposes of this section.

“(3) The Minister may, by notice published in the *Gazette*, exempt, subject to such conditions (if any) as are specified in the notice, from so many of the provisions of the Customs Acts as are specified in the notice—

- (a) any Protected Zone ship that arrives at an Australian place on a voyage from a Papua New Guinea place or that leaves an Australian place on a voyage to a Papua New Guinea place, being a ship—
  - (i) on board which there is at least one traditional inhabitant who is undertaking that voyage in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone; and
  - (ii) no person on board which is a person other than—
    - (A) a person referred to in sub-paragraph (i); or
    - (B) an employee of the Commonwealth, of Queensland or of Papua New Guinea or of an authority of the Commonwealth, of Queensland or of Papua New Guinea who is undertaking that voyage in connection with the performance of his duties;
- (b) the entry into Australia, or the departure from Australia, of persons on board a ship of the kind referred to in paragraph (a); or
- (c) the importation into Australia, or the exportation from Australia, of goods on board a ship of the kind referred to in paragraph (a), being goods that—
  - (i) are owned by, or are under the control of, a traditional inhabitant who is on board that ship and have been used, are being used or are intended to be used by him in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone;
  - (ii) are the personal belongings of a person referred to in sub-paragraph (a) (ii); or