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PRIME MINISTER

FOR MEDIA

SUNDAY, 20 DECEMBER 1981

STATE AND NORTHERN TERRITORY OFFSHORE POWERS TO BE PROCLAIMED

The Coastal Waters (State Powers) Act 1980, the Coastal Waters (Northern Territory Powers) Act 1980 and the Seas and Submerged Lands Amendment Act 1980 are to be proclaimed to come into operation on 1 January 1982.

This step follows the introduction by all the States and the Northern Territory of complementary legislation to implement the Offshore Constitutional Settlement agreed at the Premiers Conference in June 1979.

The Offshore Settlement followed on the High Court's decision in the Seas and Submerged Lands Case in 1975, which upheld the sovereign rights and the sovereignty of the Commonwealth, not only over the continental shelf, but also over the territorial sea.

As I noted when introducing the Bill into the Commonwealth Parliament in April 1980, the State Powers Act is the cornerstone of the Offshore Settlement. It provides for the extension of State legislative powers in the territorial sea. The Northern Territory is being treated as a State for these purposes. The amendments made by the Seas and Submerged Lands Amendment Act are consequential on the Powers Acts.

The Acts have been passed by the Commonwealth on the basis that the territorial sea is an area which has traditionally been a State responsibility and is best left for local jurisdiction - except on matters of over-riding national or international importance.

For instance, the Great Barrier Reef Marine Park Act will continue to apply throughout the Great Barrier Reef Region and traditional Commonwealth legislation such as Customs legislation will, of course, still remain in force in the territorial sea.

The complementary State legislation is to give effect to the new fisheries and petroleum arrangements that are to apply in the offshore area, both within and beyond the territorial sea. These arrangements include the establishment by Commonwealth legislation of joint Commonwealth/State authorities for some purposes.

Commonwealth fisheries and petroleum legislation has already been passed. All States and the Northern Territory have introduced complementary legislation.

When the Powers Acts come into operation on 1 January 1982, State and Northern Territory Parliaments can proceed to complete the passage of their fisheries and petroleum legislation. The Commonwealth Government hopes that the final step in implementing the basic elements of the Offshore Settlement would follow shortly afterwards. This will involve proclaiming the Coastal Waters (State Title) Act 1980 and the Coastal Waters (Northern Territory Title) Act 1980 and the commencement of the new fisheries and petroleum arrangements. The Title Acts will give the States and the Northern Territory title to the seabed in the territorial sea in accordance with the terms laid down in the Acts.

The Commonwealth has also passed other legislation as part of the offshore package, including legislation for offshore minerals other than petroleum and for the protection of the sea from ship sourced pollution and dumping. The States and Northern Territory have complementary legislation in train. It is hoped that this legislation will be in place also at an early date.

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