



Crimes at Sea Act 2000

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About this compilation

This compilation

This is a compilation of the *Crimes at Sea Act 2000* that shows the text of the law as amended and in force on 30 August 2019 (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 Legislation 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 series page on the Legislation 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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	2
1 Short title	2
2 Commencement	2
3 Schedule(s)	2
4 Definitions	2
Part 2—The cooperative scheme	4
5 Ratification of cooperative scheme	4
Part 3—Application of criminal law outside adjacent area	5
6 Application of Australian criminal law outside the adjacent area	5
Part 3A—Cooperation between Australia and Timor-Leste in the enforcement of criminal law	8
6A Criminal laws applicable in the Greater Sunrise special regime area	8
6B Transit of persons accused of offences against the laws of Timor-Leste	9
6C Agreements relating to enforcement of criminal laws in the Greater Sunrise special regime area	11
Part 4—Miscellaneous	13
7 Publication of intergovernmental agreement	13
8 No effect on <i>Crimes (Aviation) Act 1991</i>	13
9 Regulations	13
Schedule 1—The cooperative scheme	14
Part 1—Preliminary	14
1 Definitions	14
Part 2—Application of State criminal law to adjacent area	17
2 Application of State criminal law in adjacent area	17
3 Application of laws of criminal investigation, procedure and evidence	17
4 Evidentiary presumption about the locus of an offence	20
Part 3—The intergovernmental agreement	21
5 Intergovernmental agreement	21
6 Effect of the agreement	21

Part 4—Limitations and exclusions	22
7 Commonwealth Attorney-General’s consent required for certain prosecutions	22
8 Non-exclusion of consistent extraterritorial legislative schemes	23
9 Exclusion of certain laws from ambit of this scheme	23
Part 5—Miscellaneous	24
11 Interpretation	24
12 Regulations.....	24
Part 6—Adjacent areas	25
13 Definitions.....	25
14 Adjacent areas	25
15 Baselines.....	26
16 Indicative map	26
Appendix 1—Indicative map	27
Schedule 2—Consequential amendments	28
Endnotes	29
Endnote 1—About the endnotes	29
Endnote 2—Abbreviation key	31
Endnote 3—Legislation history	32
Endnote 4—Amendment history	34

An Act to give effect to a cooperative scheme for dealing with crimes at sea, and for other purposes

Preamble

The Commonwealth and the States have agreed to a cooperative scheme to apply the criminal law of the States extraterritorially in the areas adjacent to the coast of Australia.

Under the scheme, the criminal law of each State is to apply in the area adjacent to the State:

- (a) for a distance of 12 nautical miles from the baseline for the State—by force of the law of the State; and
- (b) beyond 12 nautical miles up to a distance of 200 nautical miles from the baseline for the State or the outer limit of the continental shelf (whichever is the greater distance)—by force of the law of the Commonwealth.

Responsibility for administering criminal justice in the area covered by the scheme will be divided between the Commonwealth and the States under the scheme and an intergovernmental agreement.

The purposes of this Act are:

- (a) to give legal force to the scheme (so far as it depends on the legislative power of the Commonwealth) and to provide for consequential vesting of judicial and other powers; and
- (b) to provide for the application of Australian criminal law in certain cases beyond the area covered by the scheme.

The Parliament of Australia therefore enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Crimes at Sea Act 2000*.

2 Commencement

- (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day to be fixed by Proclamation.
- (3) If the provisions referred to in subsection (2) do not commence under that subsection within the period of 12 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

3 Schedule(s)

Subject to section 2, each Act that is specified in Schedule 2 is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

4 Definitions

In this Act:

act includes an omission.

adjacent area means the whole of the area to which the cooperative scheme applies.

Australian ship means:

- (a) a ship registered in Australia; or

- (b) a ship that operates, or is controlled, from a base in Australia and is not registered under the law of another country; or
- (c) a ship that belongs to an arm of the Defence Force.

cooperative scheme means the legislative and administrative scheme for applying and enforcing criminal law in the areas adjacent to the coast of Australia set out in Schedule 1.

foreign ship means a ship other than an Australian ship.

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

intergovernmental agreement means the intergovernmental agreement entered into under clause 5 of the cooperative scheme.

law of criminal investigation, procedure and evidence has the same meaning as in clause 1 of Schedule 1.

petroleum activities has the same meaning as Petroleum Activities has in 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 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

police officer means a member or special member of the Australian Federal Police or a member of the police force or police service of a State or Territory.

ship means a vessel or boat of any description and includes:

- (a) a floating structure; and
- (b) a hovercraft or other similar craft.

substantive criminal law has the same meaning as in clause 1 of Schedule 1.

Part 2—The cooperative scheme

5 Ratification of cooperative scheme

To the extent that it lies within the legislative competence of the Commonwealth to give the cooperative scheme the force of law, it has the force of law.

Part 3—Application of criminal law outside adjacent area

6 Application of Australian criminal law outside the adjacent area

- (1) The substantive criminal law of the Jervis Bay Territory, as in force from time to time, applies at sea outside the adjacent area to a criminal act:
 - (a) on an Australian ship; or
 - (b) in the course of activities controlled from an Australian ship; or
 - (c) of a person who has abandoned, or temporarily left, an Australian ship and has not returned to land.
- (2) The substantive criminal law of the Jervis Bay Territory, as in force from time to time, applies at sea outside the adjacent area to a criminal act:
 - (a) of an Australian citizen (other than a member of the crew) on a foreign ship; or
 - (b) of an Australian citizen (other than a member of the crew) in the course of activities controlled from a foreign ship; or
 - (c) of an Australian citizen who has abandoned, or temporarily left, a foreign ship and has not returned to land.
- (3) The substantive criminal law of the Jervis Bay Territory, as in force from time to time, is taken to have applied at sea outside the adjacent area to a criminal act:
 - (a) on a foreign ship; or
 - (b) in the course of activities controlled from a foreign ship; or
 - (c) of a person who has abandoned, or temporarily left, a foreign ship and has not returned to land;if the first country at which the ship calls, or the person lands, after the criminal act, is Australia or an external territory of Australia.

Section 6

- (4) A charge of an offence that arises under this section cannot proceed to hearing or determination or, if the offence is an indictable offence, to preliminary examination in committal proceedings, unless the Attorney-General consents in writing to the hearing and determination of the charge.
- (5) Before granting such a consent, the Attorney-General must take into account any views expressed by the government of a country other than Australia whose jurisdiction over the alleged offence is recognised under principles of international law.
- (6) Even though the Attorney-General has not granted such a consent, the absence of consent is not to prevent or delay:
 - (a) the arrest of the suspected offender or proceedings related to arrest (such as proceedings for the issue and execution of a warrant); or
 - (b) the laying of a charge against the suspected offender; or
 - (c) proceedings for the extradition to Australia of the suspected offender; or
 - (d) proceedings for remanding the suspected offender in custody or on bail.
- (7) If the Attorney-General declines to grant consent, the court in which the suspected offender has been charged with the offence must permanently stay proceedings on the charge.
- (8) In any proceedings, an apparently genuine document purporting to be a copy of a written consent granted by the Attorney-General in accordance with this section will be accepted, in the absence of proof to the contrary, as proof of such consent.
- (9) If:
 - (a) a person is charged with an offence that arises under this section; but
 - (b) there is a country other than Australia whose jurisdiction over the alleged offence is recognised under principles of international law;it is a defence to prove:

- (c) that no corresponding offence exists under the law of the other country; or
 - (d) that such a corresponding offence does exist but a defence to a charge of the corresponding offence could be made out under the law of the other country.
- (10) This section does not apply to an act that takes place in:
- (a) the territorial waters of Norfolk Island (within the meaning of the *Territorial Waters Act 1926* of Norfolk Island); or
 - (b) the coastal sea (within the meaning of subsection 15B(4) of the *Acts Interpretation Act 1901* of the Commonwealth) of any of the following Territories:
 - (i) the Territory of Christmas Island;
 - (ii) the Territory of Cocos (Keeling) Islands;
 - (iii) the Australian Antarctic Territory;
 - (iv) the Territory of Heard Island and McDonald Islands;
 - (v) the Territory of Ashmore and Cartier Islands;
 - (vi) the Coral Sea Islands Territory.
- (11) In this section:

criminal act means an act that would, if done in the Jervis Bay Territory, contravene the substantive criminal law of the Jervis Bay Territory.

Part 3A—Cooperation between Australia and Timor-Leste in the enforcement of criminal law

6A Criminal laws applicable in the Greater Sunrise special regime area

- (1) The provisions of the substantive criminal law of the Northern Territory from time to time apply to a criminal act done in the Greater Sunrise special regime area that is connected with, or arises out of, petroleum activities as if the act had been done in the Northern Territory.
- (2) However, the relevant substantive criminal law does not apply to:
 - (a) an act done on or from a ship or aircraft; or
 - (b) an act done by a national of Timor-Leste who is not also a national of Australia; or
 - (c) an act done by a permanent resident of Timor-Leste who is not also a national of Australia.
- (3) Proceedings for an offence against a substantive criminal law as applied under this section may not be instituted against a person if:
 - (a) the person has been acquitted or discharged without penalty in proceedings for an offence against a law in force in Timor-Leste arising out of the same act; or
 - (b) the person has incurred a penalty under a law in force in Timor-Leste for such an offence; or
 - (c) a competent authority of Timor-Leste has decided not to prosecute the person for such an offence.
- (4) A prosecution for an offence against a law applied by subsection (1) may only be heard and determined if the Attorney-General consents in writing to the prosecution.

Section 6B

- (5) Although the Attorney-General has not consented to a prosecution under subsection (4):
- (a) a person may be arrested for the offence, and a warrant for the arrest of a person for the offence may be issued and executed; and
 - (b) a person may be charged with the offence; and
 - (c) a person charged with the offence may be remanded in custody or on bail.
- (6) The Commonwealth and Northern Territory laws of criminal investigation, procedure and evidence from time to time apply to a criminal act done in the Greater Sunrise special regime area that is connected with, or arises out of, petroleum activities in the same way as those laws would apply to a maritime offence under clause 3 of Schedule 1 if in paragraph (2)(b) of that clause:
- (a) a reference to a State or to the State were a reference to the Northern Territory; and
 - (b) the reference to the area of administrative responsibility for the relevant State were a reference to the Greater Sunrise special regime area.
- (7) In this section:

criminal act means an act that would, if done in the Northern Territory, contravene the substantive criminal law of the Northern Territory.

6B Transit of persons accused of offences against the laws of Timor-Leste

- (1) If Timor-Leste wishes to transport in custody through Australia a person (the *accused*) who has been arrested for an offence against a criminal law in force in Timor-Leste that applies in the Greater Sunrise special regime area, the following provisions apply:
- (a) the accused may be transported in custody through Australia; and

Section 6B

- (b) if an aircraft or ship transporting the accused makes a landing or calls at a place in Australia:
 - (i) the person holding the accused in custody before the landing or call is made may hold the accused in custody for not more than 24 hours; and
 - (ii) a police officer may provide reasonable and necessary assistance to facilitate the transport of the accused in custody; and
 - (iii) a magistrate to whom application is made, according to the regulations, on behalf of Timor-Leste is required to issue a warrant ordering a person specified in the warrant to hold the accused in custody for a period or periods the magistrate considers necessary to facilitate the transport of the accused in custody; and
 - (iv) the Attorney-General may, on application on behalf of Timor-Leste, authorise, in writing, a magistrate to issue a warrant ordering a person specified in the warrant to hold the accused in custody for a further specified period in order to facilitate the transport of the accused in custody; and
 - (v) the Attorney-General may at any time direct a person having custody of the accused under this paragraph to release the accused; and
 - (vi) the total period of custody under subparagraphs (i) and (iii) must not exceed 96 hours.
- (2) A police officer may, without warrant, arrest a person if the officer has reasonable grounds for believing that the person has escaped from custody authorised by subsection (1).
- (3) A person arrested under subsection (2) must be returned to custody.
- (4) For the purposes of this section, a place at which an aircraft or ship begins its journey or voyage is to be treated as a place at which the aircraft has landed, or the ship has called, as the case requires.

6C Agreements relating to enforcement of criminal laws in the Greater Sunrise special regime area

- (1) The regulations may give effect to an agreement or arrangement between Australia and Timor-Leste about the enforcement of criminal laws applying in the Greater Sunrise special regime area.
- (2) The regulations may, for example:
 - (a) provide for the production of documents, the summoning of witnesses and the taking of evidence by authorities of Timor-Leste for use in proceedings in Australia; and
 - (b) provide for:
 - (i) the apprehension and detention in the Greater Sunrise special regime area, by authorities of Timor-Leste, of persons accused of offences against criminal laws of Australia applied under this Part; and
 - (ii) the transport and surrender, in the Greater Sunrise special regime area or elsewhere, of the persons to Australian authorities; and
 - (c) provide for:
 - (i) the apprehension and detention in the Greater Sunrise special regime area, by Australian authorities, of persons accused of offences against criminal laws in force in Timor-Leste; and
 - (ii) the transport and surrender, in the Greater Sunrise special regime area or elsewhere, of the persons to authorities of Timor-Leste; and
 - (d) prescribe the practice and procedure of magistrates in performing functions under regulations made for the purposes of this section.
- (3) A provision for detention of a person under this section may only authorise detention until the time it first becomes practicable to surrender the person to an appropriate authority of Australia or Timor-Leste.

Part 3A Cooperation between Australia and Timor-Leste in the enforcement of criminal law

Section 6C

- (4) A provision made under paragraph (2)(c) excludes the application of the *Extradition Act 1988* from offences to which the provision applies.

Part 4—Miscellaneous

7 Publication of intergovernmental agreement

The Minister must have the intergovernmental agreement, and any amendment to the intergovernmental agreement, published in the *Gazette*.

8 No effect on *Crimes (Aviation) Act 1991*

This Act and the cooperative scheme do not apply to an act to which section 15 of the *Crimes (Aviation) Act 1991* applies.

9 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) However, this section does not authorise the making of regulations for the purposes of the cooperative scheme.

Note: The Governor-General has power to make regulations for the purposes of the cooperative scheme under clause 12 of the scheme.

Schedule 1—The cooperative scheme

Note: See section 5

Part 1—Preliminary

1 Definitions

(1) In this scheme:

adjacent area for a State has the meaning given by clause 14 of this Schedule.

Australian ship means:

- (a) a ship registered in Australia; or
- (b) a ship that operates, or is controlled, from a base in Australia and is not registered under the law of another country; or
- (c) a ship that belongs to an arm of the Defence Force.

baseline for a State has the meaning given by clause 15 of this Schedule.

foreign ship means a ship other than an Australian ship.

indictable offence means an offence for which a charge may be laid by indictment or an equivalent process (whether that is the only, or an optional, way to lay a charge of the offence).

inner adjacent area for a State means the parts of the adjacent area for the State that are:

- (a) on the landward side of the baseline for the State; and
- (b) on the seaward side, but within 12 nautical miles from, the baseline for the State.

intergovernmental agreement means the agreement entered into under clause 5 of this Schedule.

law of criminal investigation, procedure and evidence means law (including unwritten law) about:

- (a) the investigation of offences (including coronial inquiry); or
- (b) immunity from prosecution and undertakings about the use of evidence; or
- (c) the arrest and custody of offenders or suspected offenders; or
- (d) bail; or
- (e) the laying of charges; or
- (f) the capacity to plead to a charge, or to stand trial on a charge; or
- (g) the classification of offences as indictable or summary offences (and sub-classification within those classes); or
- (h) procedures for dealing with a charge of a summary offence; or
- (i) procedures for dealing with a charge of an indictable offence (including preliminary examination of the charge); or
- (j) procedures for sentencing offenders and the punishment of offenders; or
- (k) the hearing and determination of appeals in criminal proceedings; or
- (l) the rules of evidence; or
- (m) other subjects declared by regulation to be within the ambit of the law of criminal investigation, procedure and evidence; or
- (n) the interpretation of laws of the kinds mentioned above.

maritime offence means an offence against a law that applies in the adjacent area for a State under this scheme.

offence means an indictable or summary offence.

outer adjacent area for a State means the part of the adjacent area for the State that is outside the inner adjacent area for the State.

participating State Minister means a Minister responsible for administering a State Act that gives effect to this scheme.

ship means a vessel or boat of any description and includes:

- (a) a floating structure; and

Clause 1

(b) a hovercraft or other similar craft.

State includes the Northern Territory.

substantive criminal law means law (including unwritten law):

- (a) creating offences or imposing criminal liability for offences;
or
- (b) dealing with capacity to incur criminal liability; or
- (c) providing a defence or for reduction of the degree of criminal liability; or
- (d) providing for the confiscation of property used in, or derived from, the commission of an offence; or
- (e) providing for the payment of compensation for injury, loss or damage resulting from the commission of an offence, or the restitution of property obtained through the commission of an offence; or
- (f) dealing with other subjects declared by regulation to be within the ambit of the substantive criminal law of a State; or
- (g) providing for the interpretation of laws of the kinds mentioned above.

summary offence means any offence other than an indictable offence.

- (2) The law of criminal investigation, procedure and evidence of the Commonwealth includes provisions of State law on the relevant subjects applied under the *Judiciary Act 1903* (Commonwealth).

Part 2—Application of State criminal law to adjacent area

2 Application of State criminal law in adjacent area

- (1) The substantive criminal law of a State, as in force from time to time, applies, by force of the law of the State, throughout the inner adjacent area for the State.
- (2) The provisions of the substantive criminal law of a State, as in force from time to time, apply, by force of the law of the Commonwealth, throughout the outer adjacent area for the State.
- (3) However, this clause does not:

- (a) apply to a substantive criminal law that is incapable of applying in an adjacent area or is limited by its express terms to a place within the area of a State; or

Example: A law making it an offence to drive a motor vehicle at a speed exceeding a prescribed limit on a road could not apply in an adjacent area because of the inherent localising elements of the offence. The scheme does not therefore purport to extend the application of such a law to the adjacent area.

- (b) give a legal effect to a provision of a substantive criminal law that the provision does not have within the area of the State.

Example: If the effect of a provision of the substantive criminal law of a State is limited under section 109 of the Constitution within the area of the State, the effect is similarly limited in the outer adjacent area for the State even though the provision applies in the outer adjacent area under the legislative authority of the Commonwealth.

3 Application of laws of criminal investigation, procedure and evidence

- (1) In this clause:

act includes an omission.

area of administrative responsibility for a particular State is:

- (a) the area of the State; and
-

Clause 3

- (b) the inner adjacent area for the State; and
- (c) other parts of the adjacent area in which the State has, under the intergovernmental agreement, responsibility (which may be either exclusive or concurrent) for administering criminal justice.

authority includes an agent or official.

Commonwealth judicial proceeding means:

- (a) a judicial proceeding related to a maritime offence:
 - (i) initiated by an authority of the Commonwealth; or
 - (ii) for the conduct of which an authority of the Commonwealth has assumed responsibility; or
- (b) a judicial proceeding about an investigation, procedure or act by an authority of the Commonwealth in relation to a maritime offence.

judicial proceeding means:

- (a) a proceeding in a court (whether between parties or not) or a proceeding incidental to or connected with a proceeding in a court; or
- (b) the laying of a charge; or
- (c) the preliminary examination of a charge of an indictable offence or a proceeding incidental to or connected with the preliminary examination of a charge of an indictable offence.

preliminary examination of a charge of an indictable offence means a proceeding to decide whether the defendant should be committed for trial or, if the defendant pleads guilty to the charge, to commit the defendant for sentence or trial.

State judicial proceeding means:

- (a) a judicial proceeding related to a maritime offence:
 - (i) initiated by an authority of a State; or
 - (ii) for the conduct of which an authority of a State has assumed responsibility; or
- (b) a judicial proceeding about an investigation, procedure or act by an authority of a State in relation to a maritime offence.

- (2) The laws of criminal investigation, procedure and evidence of the Commonwealth and the States apply to maritime offences as follows:
- (a) the law of the Commonwealth applies to investigations, procedures and acts (other than judicial proceedings) by authorities of the Commonwealth; and
 - (b) the law of a State applies to investigations, procedures and acts (other than judicial proceedings) by authorities of the State operating within the area of administrative responsibility for the relevant State; and
 - (c) in a Commonwealth judicial proceeding the law of the Commonwealth applies and in a State judicial proceeding the law of the State in which the proceeding was commenced applies (subject to the Constitution) irrespective of whether:
 - (i) the maritime offence arises under the law of the State in which the proceeding was commenced or another State; or
 - (ii) the substantive criminal law against which the offence was committed applies in the relevant part of the adjacent area under the law of the State in which the proceeding was commenced, another State or the Commonwealth.

Example 1: Suppose that a person is charged by a State authority with a maritime offence on the assumption that the offence was committed in the inner adjacent area for the State but the court is satisfied in the course of the proceedings that the acts alleged against the defendant took place in the outer adjacent area for the State. In this case, the court could continue with the proceedings under the procedural laws of the State. However, the court could not (for example) convict the defendant on the basis of a majority verdict of a jury (because to do so would be contrary to the Commonwealth Constitution—see *Cheatle*, 177 CLR 541).

Example 2: Suppose that a person is charged by a State authority in a South Australian court with a maritime offence alleged to have been committed in the adjacent area for Western Australia. For the purposes of the proceedings, the offence would be classified as a major indictable, minor indictable or summary offence according to the South Australian rules and not by reference to its classification under the law of Western Australia or the Commonwealth.

Schedule 1 The cooperative scheme

Part 2 Application of State criminal law to adjacent area

Clause 4

- (3) This clause operates to the exclusion of any Commonwealth or State law that is inconsistent with it.
- (4) A Commonwealth or State law enacted or made after the commencement of this clause is to be construed as having effect subject to this clause, unless the law expressly overrides this clause.
- (5) The *Administrative Decisions (Judicial Review) Act 1977* (Commonwealth) does not apply to a decision taken under a State law that applies to investigations, procedures and acts by authorities of the State under paragraph (b) of subclause (2).

4 Evidentiary presumption about the locus of an offence

If, in proceedings for a maritime offence, an alleged act, omission or state of affairs, that is an element of the offence, is proved, an allegation in the information or complaint that the act, omission or state of affairs happened in the adjacent area, inner adjacent area, or outer adjacent area for a particular State is taken to be proved in the absence of proof to the contrary.

Part 3—The intergovernmental agreement

5 Intergovernmental agreement

- (1) The Commonwealth Attorney-General, on behalf of the Commonwealth, and the participating State Ministers may enter into an agreement providing for the division of responsibility for administering and enforcing the law relating to maritime offences.
- (2) The intergovernmental agreement may provide for concurrent responsibility in specified parts of the adjacent area.

6 Effect of the agreement

- (1) A charge of a maritime offence must not be brought in a court contrary to the intergovernmental agreement.
- (2) If a charge of a maritime offence is brought in a court in contravention of subclause (1), the court must, on application by the Commonwealth Attorney-General or a participating State Minister, permanently stay the proceedings in that court.
- (3) However:
 - (a) a contravention of subclause (1) does not affect a court's jurisdiction; and
 - (b) if a charge of a maritime offence is brought in a court, the court will not (except on an application under subclause (2)) be concerned to enquire into whether the intergovernmental agreement has been complied with.

Part 4—Limitations and exclusions

7 Commonwealth Attorney-General's consent required for certain prosecutions

- (1) The Commonwealth Attorney-General's written consent is required before a charge of a maritime offence can proceed to hearing or determination or, if the offence is an indictable offence, to a preliminary examination in committal proceedings, if:
 - (a) the offence is alleged to have been committed on or from a foreign ship; and
 - (b) the ship is registered under the law of a country other than Australia; and
 - (c) the country of registration has, under international law, jurisdiction over the alleged offence.
- (2) Before granting such a consent, the Commonwealth Attorney-General must take into account any views expressed by the government of the country of registration.
- (3) Even though the Commonwealth Attorney-General has not granted such a consent, the absence of consent is not to prevent or delay:
 - (a) the arrest of the suspected offender or proceedings related to arrest (such as proceedings for the issue and execution of a warrant); or
 - (b) the laying of a charge against the suspected offender; or
 - (c) proceedings for the extradition to Australia of the suspected offender; or
 - (d) proceedings for remanding the suspected offender in custody or on bail.
- (4) If the Commonwealth Attorney-General declines to grant consent, the court in which the suspected offender has been charged with the offence must permanently stay the proceedings.
- (5) In any proceedings, an apparently genuine document purporting to be a copy of a written consent granted by the Commonwealth

Attorney-General in accordance with this clause will be accepted, in the absence of proof to the contrary, as proof of such consent.

8 Non-exclusion of consistent extraterritorial legislative schemes

This scheme does not exclude the extraterritorial operation of State law to the extent that the State law is capable of operating extraterritorially consistently with the scheme.

9 Exclusion of certain laws from ambit of this scheme

This scheme does not apply to State and Commonwealth laws excluded by regulation from the ambit of the scheme.

Part 5—Miscellaneous

11 Interpretation

The *Acts Interpretation Act 1901* (Commonwealth) applies to this scheme in the same way as to a Commonwealth Act.

12 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this scheme to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this scheme.
- (2) However, a regulation affecting the operation of this scheme in relation to the inner adjacent area for a State may only be made with the agreement of the participating State Minister for the relevant State.

Part 6—Adjacent areas

13 Definitions

In this Part:

baseline of Australia's territorial sea means the baseline from which the breadth of the territorial sea is to be measured under section 7 of the *Seas and Submerged Lands Act 1973* (Commonwealth).

14 Adjacent areas

- (1) The ***adjacent area*** for New South Wales, Victoria, South Australia or Tasmania is so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to that State as is within the outer limits of the continental shelf and includes the space above and below that area.
- (2) The ***adjacent area*** for Queensland is:
 - (a) so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to Queensland as is within the outer limits of the continental shelf; and
 - (b) the Coral Sea area (within the meaning of subsection 8(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth)) other than the territorial sea within the Coral Sea area; and
 - (c) the areas within the outer limits of the territorial sea adjacent to certain islands of Queensland as determined by proclamation on 4 February 1983 under section 7 of the *Seas and Submerged Lands Act 1973* (Commonwealth); and
 - (d) the space above and below the areas described in paragraphs (a), (b) and (c).
- (3) The ***adjacent area*** for Western Australia is:

Clause 15

- (a) so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to Western Australia as is within the outer limits of the continental shelf; and
 - (b) the space above and below the area described in paragraph (a).
- (4) The **adjacent area** for the Northern Territory is:
- (a) so much of the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to the Northern Territory as is within the outer limits of the continental shelf; and
 - (b) the offshore area for the Territory of Ashmore and Cartier Islands (within the meaning of subsection 7(1) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth)) other than the territorial sea within that area; and
 - (c) the space above and below the areas described in paragraphs (a) and (b).
- (5) However, the **adjacent area** for a State does not include any area inside the limits of any State or Territory.

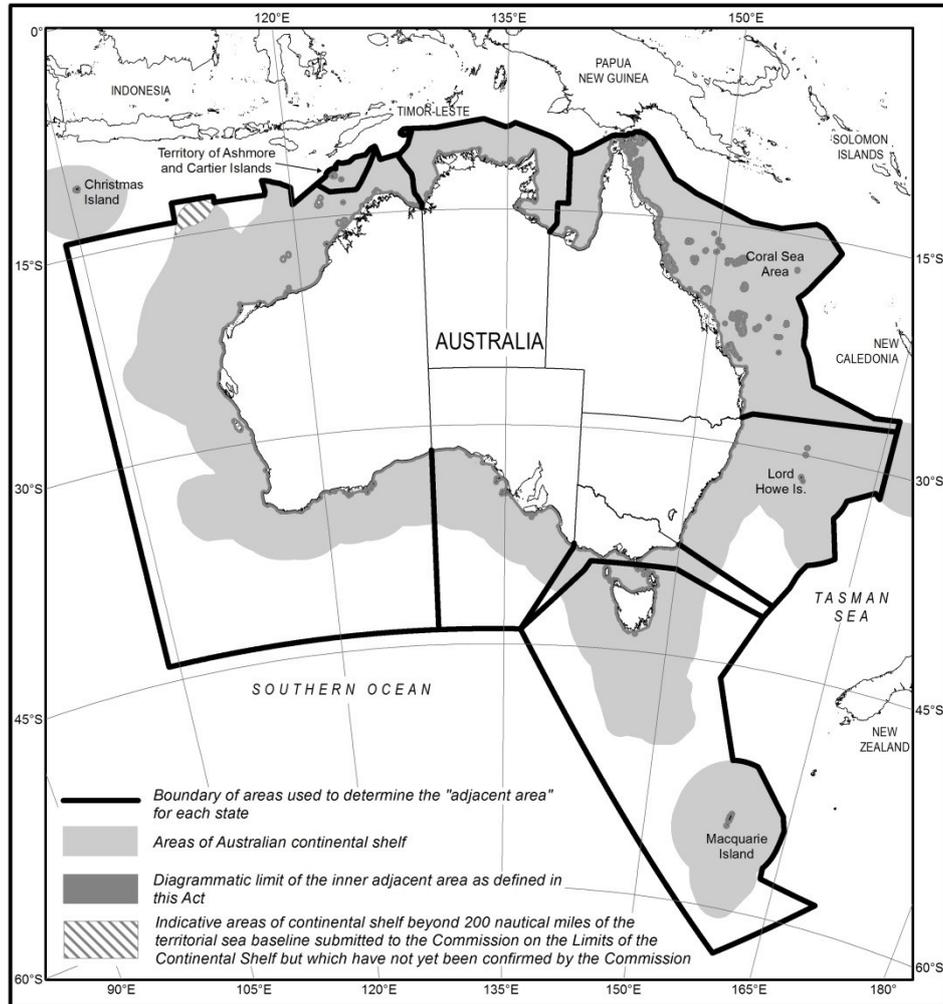
15 Baselines

The **baseline** for a State is the part of the baseline of Australia's territorial sea from which the part of the territorial sea that is within the adjacent area for that State is measured.

16 Indicative map

- (1) A map showing the various areas that are relevant to this scheme appears in Appendix 1 to this scheme.
- (2) The map is intended to be indicative only. The provisions of this scheme and of the body of this Act prevail over the map if there is any inconsistency.

Appendix 1—Indicative map



Schedule 2—Consequential amendments

11 Application of amendments

- (1) The amendments made by this Schedule apply to acts and omissions that take place after this Schedule commences.
- (2) Although this Schedule repeals the *Crimes at Sea Act 1979*, that Act continues to apply, in relation to acts and omissions that took place before this Schedule commences, as if the repeal had not happened.
- (3) For the purposes of this item, if an act or omission is alleged to have taken place between two dates, one before and one on or after the day on which this Schedule commences, the act or omission is alleged to have taken place before this Schedule commences.

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 the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in 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

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes at Sea Act 2000	13, 2000	31 Mar 2000	ss. 1 and 2: Royal Assent Remainder: 31 Mar 2001	
Timor Gap Treaty (Transitional Arrangements) Act 2000	25, 2000	3 Apr 2000	Sch 2 (items 18–25): 31 Mar 2001 (s 2(3))	—
Petroleum (Timor Sea Treaty) (Consequential Amendments) Act 2003	10, 2003	2 Apr 2003	Schedule 1 (items 1–52, 54–75, 78–82): 20 May 2002 Remainder: Royal Assent	—
Crimes Legislation Enhancement Act 2003	41, 2003	3 June 2003	Schedule 2 (items 2–4): Royal Assent	Sch. 2 (item 4)
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006	17, 2006	29 Mar 2006	Schedule 2 (items 14–17): 1 July 2008 (<i>see</i> s. 2(1) and F2008L02273)	—
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 3 (item 6): 22 Nov 2008	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 457, 458) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (item 16) and Sch 9 (item 1): 24 June 2014	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019	57, 2019	7 Aug 2019	Sch 1 (items 10–39): 30 Aug 2019 (s 2(1) item 2)	Sch 1 (item 39)

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 4	am No 25, 2000; No 10, 2003; No 57, 2019
Part 3A	
Part 3A heading	am No 57, 2019
Part 3A	ad No 25, 2000
s 6A	ad No 25, 2000
	am No 10, 2003; No 41, 2003; No 57, 2019
s 6B	ad No 25, 2000
	am No 10, 2003; No 57, 2019
s 6C	ad No 25, 2000
	am No 10, 2003; No 57, 2019
Schedule 1	
Part 1	
c 1	am No 25, 2000; No 10, 2003; No 57, 2019
Part 4	
c 10	am No 10, 2003
	rep No 57, 2019
Part 6	
c 13	am No 46, 2011
c 14	am No 10, 2003; No 17, 2006; No 117, 2008; No 31, 2014; No 57, 2019
Appendix 1	
Appendix 1	am No 10, 2003
	rs No 57, 2019
Schedule 2	
Schedule 2	am No 25, 2000; No 31, 2014
