

South Australia

Off-shore Waters (Application of Laws) Act 1976

An Act to apply the civil and criminal law of the State to certain off-shore waters in the vicinity of the State, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Off-shore Waters (Application of Laws) Act 1976*.

2—Definitions

In this Act, unless the contrary intention appears—

coastal waters of South Australia has the same meaning as ***coastal waters of the State*** has in relation to South Australia under the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

law of the State means any law or rule of law of the State whether present or future, civil or criminal or written or unwritten;

off-shore waters means the waters specified in the Schedule to this Act as being off-shore waters;

person connected with the State means a person who—

- (a) is domiciled in the State; or
- (b) is permanently or temporarily resident in the State; or
- (c) being a body corporate, carries on business in the State or is registered, incorporated or established under a law of the State; or

- (d) is on or is operating from a ship, boat or vessel of any kind licensed or registered or required to be licensed or registered under a law of the State; or
- (e) is on or operating from a rig or other structure or installation of any kind, the operation or functioning of which is regulated by a law of the State; or
- (f) is, or is a person of a class or kind, declared by proclamation to be a person connected with the State for the purposes of this Act.

3—Application of law of State to off-shore waters

- (1) Subject to subsection (2) of this section and to Part 2 of the *Petroleum (Submerged Lands) Act 1982*, and to regulations made under that Act, every law of the State that is not expressly or by necessary implication limited in application to acts or omissions occurring or matters, things or circumstances existing or arising within the State, applies in, over and under off-shore waters.
- (2) This section does not operate to apply criminal laws within the meaning of the *Crimes (Offences at Sea) Act 1980* to any act, omission, circumstance or state of affairs to which those laws apply by virtue of that Act.

4—Application of law of State to persons connected with the State etc in off-shore waters

- (1) Subject to subsection (2) of this section and to Part 2 of the *Petroleum (Submerged Lands) Act 1982*, and to regulations made under that Act, every law of the State that is not expressly or by necessary implication limited in application to acts or omissions occurring or matters, things or circumstances existing or arising within the State applies in, over or under off-shore waters to and in relation to—
 - (a) a person connected with the State; or
 - (b) a person who does any act or makes any omission affecting the person or property of a person connected with the State.
- (2) This section does not operate to apply criminal laws within the meaning of the *Crimes (Offences at Sea) Act 1980* to any act, omission, circumstance or state of affairs to which those laws apply by virtue of that Act.

5—Averment

For the purposes of proceedings for an offence against a law of the State an averment in an information or complaint that—

- (a) a person was, at a specified time or in respect of a specified period, a person connected with the State; or
- (b) specified waters are off-shore waters,

shall, in the absence of proof to the contrary, be deemed to have been proved.

6—Jurisdiction

Where by virtue of this Act a civil or criminal cause or matter arises, every court or other body exercising judicial powers shall have the same jurisdiction to try or otherwise deal with that cause or matter as it would have had if that cause or matter had arisen within the boundaries of the State.

Schedule—Off-shore waters

Those waters between the southward prolongation of the Western Australian and Victorian boundaries of the State—

- (a) that lie within the outer limits of the coastal waters of South Australia; and
- (b) that lie within nine nautical miles seaward of the seaward boundary of the waters referred to in paragraph (a) hereof; and
- (c) that lie within eighty-eight nautical miles seaward of the seaward boundary of the waters referred to in paragraph (b) hereof.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1976	28	<i>Off-shore Waters (Application of Laws) Act 1976</i>	24.6.1976	24.6.1976
1980	4	<i>Off-shore Waters (Application of Laws) Act Amendment Act 1980</i>	3.4.1980	8.5.1980 (<i>Gazette 8.5.1980 p1263</i>)
1982	19	<i>Petroleum (Submerged Lands) Act 1982</i>	11.3.1982	14.2.1983 (<i>Gazette 17.3.1983 p655</i>)
2004	50	<i>Petroleum (Submerged Lands) (Miscellaneous) Amendment Act 2004</i>	16.12.2004	Sch 1 (cl 2 & 3)—1.1.2005 (<i>Gazette 16.12.2004 p4592</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
s 2		
coastal waters of South Australia	inserted by 19/1982 s 2(1) (Sch 1 cl 2(1)(a))	14.2.1983
<i>nautical mile</i>	<i>deleted by 19/1982 s 2(1) (Sch 1 cl 2(1)(b))</i>	<i>14.2.1983</i>
s 3		
s 3(1)	s 3 amended and redesignated as s 3(1) by 4/1980 s 3	8.5.1980
	amended by 19/1982 s 2(1) (Sch 1 cl 2(1)(c))	14.2.1983
	amended by 50/2004 Sch 1 cl 2	1.1.2005
s 3(2)	inserted by 4/1980 s 3(b)	8.5.1980
s 4		
s 4(1)	s 4 amended and redesignated as s 4(1) by 4/1980 s 4	8.5.1980
	amended by 19/1982 s 2(1) (Sch 1 cl 2(1)(d))	14.2.1983
	amended by 50/2004 Sch 1 cl 3	1.1.2005

s 4(2)	inserted by 4/1980 s 4(b)	8.5.1980
Sch	amended by 19/1982 s 2(1) (Sch 1 cl 2(1)(e))	14.2.1983

Historical versions

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