



New South Wales

Crimes at Sea Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes at Sea Act 1998* to make the cooperative scheme established by that Act to deal with crimes at sea uniform with the cooperative schemes for that purpose that are established, or are to be established, by the Commonwealth and the other States and Territories. These cooperative schemes, including the New South Wales scheme, have not yet come into force.

The amendments proposed by the Bill are mostly minor and technical in nature. The most substantial changes are:

- (a) amendments to reflect the withdrawal of Norfolk Island from the cooperative scheme, and
- (b) new transitional provisions to ensure that the proposed cooperative scheme will apply to acts and omissions that take place after the scheme commences, and the current law will continue to apply to acts and omissions that take place before the commencement of the scheme, and

- (c) a new map indicating areas relevant to the scheme, and excluding Norfolk Island.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Crimes at Sea Act 1998* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 amends the *Crimes at Sea Act 1998*.

Schedule 1 [1] replaces the existing transitional provisions, as explained in the overview above. **Schedule 1 [2]** makes it clear that the cooperative scheme does not apply to certain acts or omissions to which the *Crimes (Aviation) Act 1991* of the Commonwealth applies. Section 15 of that Act applies the criminal law of the Jervis Bay Territory, and the *Crimes Act 1900* of the Australian Capital Territory in its application to the Jervis Bay Territory, to conduct on specified flights (including interstate flights and certain international flights).

Schedule 1 [3] updates a reference to a Commonwealth Act to reflect a change to the name of that Act.

Schedule 1 [4] inserts a definition of *indictable offence* into the cooperative scheme, to overcome the problem of different terminology dealing with the laying of criminal charges in different jurisdictions.

Schedule 1 [6] and **[16]** remove references to Norfolk Island following the withdrawal of Norfolk Island from the cooperative scheme. A new map of the relevant areas for the scheme, excluding Norfolk Island, is also inserted in the Appendix to the cooperative scheme to replace the existing map (**Schedule 1 [17]**, **[18]** and **[19]**).

The remaining items (**Schedule 1 [5]**, **[7]**, **[8]**, **[9]**, **[10]**, **[11]**, **[12]**, **[13]**, **[14]** and **[15]**) make amendments to remove minor differences in terminology, expression and punctuation between the cooperative scheme set out in the Act, and the schemes that are established, or are to be established, by the Commonwealth and the other States and Territories.

First print



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New South Wales

Crimes at Sea Amendment Bill 2000

No. , 2000

A Bill for

An Act to amend the *Crimes at Sea Act 1998* so as to make the cooperative scheme established by that Act uniform with the cooperative schemes established, or to be established, by the Commonwealth and other States and Territories.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes at Sea Amendment Act 2000</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Crimes at Sea Act 1998 No 173	7
The <i>Crimes at Sea Act 1998</i> is amended as set out in Schedule 1.	8

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 8	3
	Omit the section. Insert instead:	4
	8 Application of repeal and amendments	5
	(1) In this section, <i>commencement day</i> means the day on which sections 7 and 9 come into operation.	6 7
	(2) Although section 7 repeals the <i>Crimes (Offences at Sea) Act 1980</i> , that Act continues to apply, in relation to acts and omissions that took place before the commencement day, as if the repeal had not happened.	8 9 10 11
	(3) The amendments referred to in section 9 apply to acts and omissions that take place on or after the commencement day.	12 13
	(4) For the purposes of this section, if an act or omission is alleged to have taken place between two dates, one before and one on or after the commencement day, the act or omission is alleged to have taken place before the commencement day.	14 15 16 17
[2]	Section 10	18
	Insert after section 9:	19
	10 No effect on Crimes (Aviation) Act 1991 of the Commonwealth	20
	This Act and the cooperative scheme do not apply to an act or omission to which section 15 of the <i>Crimes (Aviation) Act 1991</i> of the Commonwealth applies.	21 22 23
[3]	Schedule 1 The Cooperative Scheme	24
	Omit “ <i>Australia-Indonesia</i> ” from the definition of <i>Area A of the Zone of Cooperation</i> in clause 1 (1).	25 26
	Insert instead “ <i>Timor Gap</i> ”.	27

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Schedule 1 Amendments

[4] Schedule 1, clause 1 (1)	1
Insert in alphabetical order in clause 1 (1):	2
<i>indictable offence</i> 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).	3 4 5
[5] Schedule 1, clause 1 (1), definition of “outer adjacent area”	6
Omit “a State,”. Insert instead “a State”.	7
[6] Schedule 1, clause 1 (1), definition of “State”	8
Omit “and Norfolk Island”.	9
[7] Schedule 1, clause 3 (1), definition of “preliminary examination”	10
Insert “or trial” after “sentence”.	11
[8] Schedule 1, clause 3 (2)	12
Omit “constitutional principle stated in” from the matter under the heading “Example 1” following clause 3 (2) (c).	13 14
Insert instead “Commonwealth Constitution—see”.	15
[9] Schedule 1, clause 3 (5)	16
Omit “subclause (2) (b)”. Insert instead “paragraph (b) of subclause (2)”.	17
[10] Schedule 1, clause 8	18
Omit “extra-territorial” and “extra-territorially”.	19
Insert instead “extraterritorial” and “extraterritorially” respectively.	20
[11] Schedule 1, clause 12	21
Omit clause 12 (1). Insert instead:	22
(1) The Governor-General may make regulations prescribing matters:	23 24
(a) required or permitted by this scheme to be prescribed, or	25
(b) necessary or convenient to be prescribed for carrying out or giving effect to this scheme.	26 27

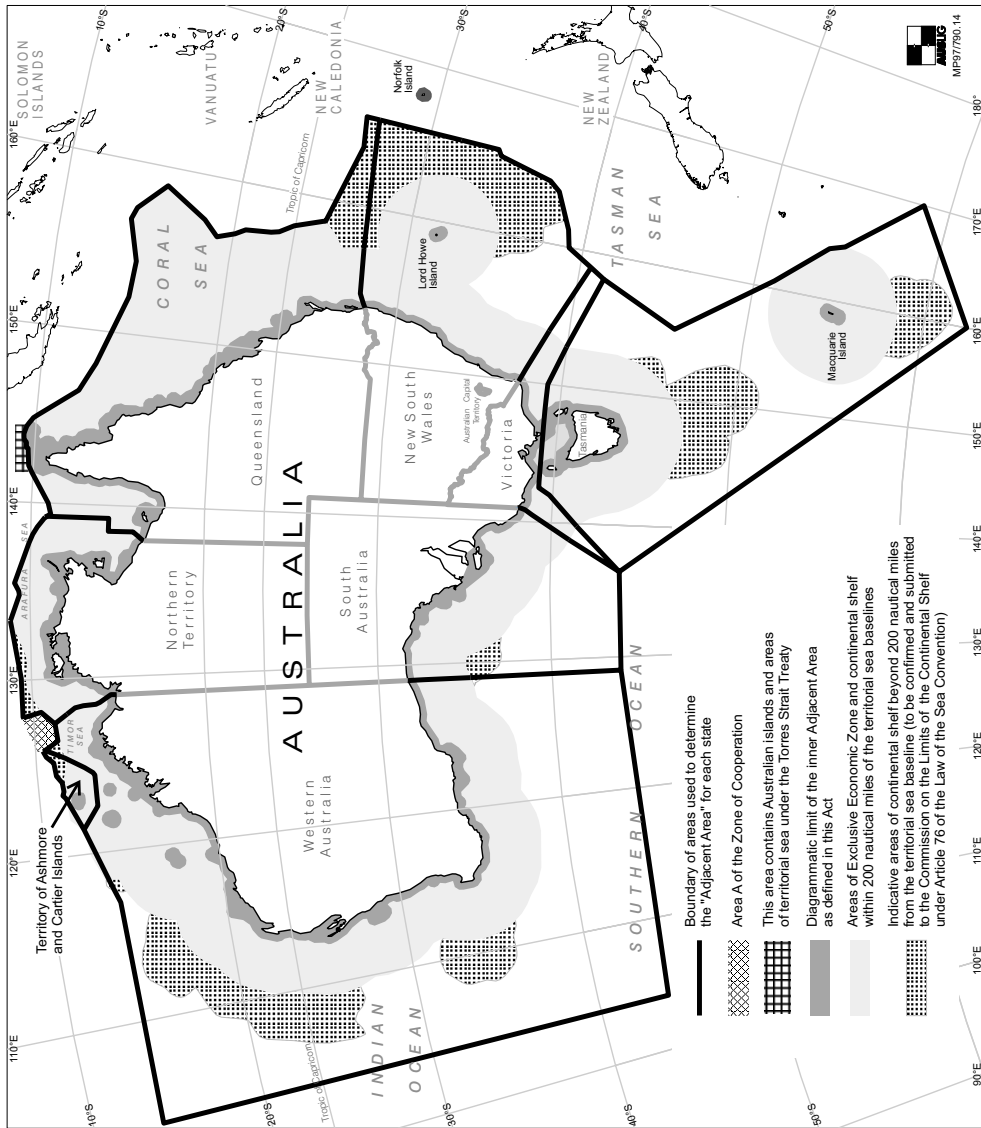
[12] Schedule 1, clause 14 (2) (b)	1
Omit “section 5A (7)”. Insert instead “subsection (7) of section 5A”.	2
[13] Schedule 1, clause 14 (4) (b)	3
Omit “section 5A (3)”. Insert instead “subsection (3) of section 5A”.	4
[14] Schedule 1, clause 14 (5)	5
Omit the subclause, and renumber subclause (6) as subclause (5).	6
[15] Schedule 1, clause 14 (5) (as renumbered by item [14])	7
Omit “adjacent area”. Insert instead “ <i>adjacent area</i> ”.	8
[16] Schedule 1, clause 15	9
Omit the clause. Insert instead:	10
15 Baselines	11
The <i>baseline</i> 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.	12 13 14
[17] Schedule 1, clause 16	15
Insert after clause 15:	16
16 Indicative map	17
(1) A map showing the various areas that are relevant to this scheme appears in Appendix 1 to this scheme.	18 19
(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.	20 21 22
[18] Appendix 1 Adjacent areas	23
Omit the heading. Insert instead “ Appendix 1 Indicative map ”.	24

[19] Appendix 1

Omit the map. Insert instead the following map:

1

2



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Amendments

Schedule 1
