

(Reprint No. 1)

SOUTH AUSTRALIA

AIRCRAFT OFFENCES ACT, 1971

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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AIRCRAFT OFFENCES ACT, 1971

being

Aircraft Offences Act, 1971, No. 1 of 1971 [Assented to 18 March 1971]

as amended by

Aircraft Offences Act Amendment Act, 1983, No. 52 of 1983 [Assented to 16 June 1983]

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act with respect to certain offences relating to certain aircraft and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Aircraft Offences Act, 1971*.

Arrangement

2. This Act is arranged as follows:—

PART I—PRELIMINARY.

PART II—OFFENCES ON BOARD AIRCRAFT ENGAGED IN CERTAIN
FLIGHTS.

PART III—OFFENCES AFFECTING AIRCRAFT.

PART IV—MISCELLANEOUS.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“aircraft” includes any machine that can derive support in the atmosphere from the reactions of the air:

“landing” includes alighting on water:

“member of the crew”, in relation to an aircraft, means a person having duties or functions on board the aircraft:

“the Air Navigation Regulations” means the regulations known as the Air Navigation Regulations as in force for the time being under the *Air Navigation Act 1920-1963* of the Commonwealth as in force from time to time and includes any of those regulations as in force by virtue of a law of the State:

“the Commonwealth Act” means the *Crimes (Aircraft) Act 1963* of the Commonwealth as in force from time to time.

(2) For the purposes of this Act—

(a) a flight of an aircraft shall be taken to commence—

(i) at the time of the closing of the last external door of the aircraft to be closed before the aircraft first moves for the purpose of taking off from any place;

or

(ii) if subparagraph (i) of this paragraph is not applicable—at the time at which the aircraft first moves for the purpose of taking off from any place;

and

(b) a flight of an aircraft shall be taken to end—

(i) at the time of the opening of the first external door of the aircraft to be opened after the aircraft comes to rest after its next landing after the commencement of the flight;

or

(ii) if subparagraph (i) of this paragraph is not applicable—at the time at which the aircraft comes to rest after its next landing after the commencement of the flight,

or, if the aircraft is destroyed or the flight is abandoned, before either subparagraph (i) or subparagraph (ii) of this paragraph becomes applicable, at the time at which the aircraft is destroyed or the flight is abandoned, as the case may be.

* * * * *

(4) A flight of an aircraft shall, for the purposes of this Act, be taken to be a flight within the State where the flight commences in the State and ends, or is, at the commencement of the flight, intended to end, in the State, whether or not the aircraft may or will, in the course of the flight, go outside the State.

PART II

CRIMES ON BOARD AIRCRAFT ENGAGED IN CERTAIN FLIGHTS

Application of Part

4. This Part applies to any aircraft that is engaged in a flight within the State.

Offences committed on aircraft to which this Part applies

5. Any person who, while on board an aircraft to which this Part applies, does or omits to do an act or thing the doing or omission of which, if it took place in the State would be an offence against a law of the State, may be proceeded against and dealt with in all respects as if the act or thing had been done or omitted to be done in the State.

PART III
CRIMES AFFECTING AIRCRAFT

Application of Part

6. This Part applies to—

(a) an aircraft within the State;

and

(b) an aircraft engaged in a flight within the State.

Taking control of aircraft

7. (1) A person shall not, without lawful excuse, take or exercise control, whether direct or through another person, of an aircraft to which this Part applies.

Penalty: Imprisonment for seven years.

(2) A person shall not, without lawful excuse, take or exercise control, whether direct or through another person, of an aircraft to which this Part applies while another person, not being an accomplice of the first-mentioned person, is on board the aircraft.

Penalty: Imprisonment for fourteen years.

(3) A person shall not, without lawful excuse, by force or violence or threat of force or violence, or by any trick or false pretence, take or exercise control, whether direct or through another person, of an aircraft to which this Part applies while another person, not being an accomplice of the first-mentioned person, is on board the aircraft.

Penalty: For any contravention of this subsection, imprisonment for twenty years.

Destruction of aircraft

8. A person shall not wilfully destroy an aircraft to which this Part applies.

Penalty: Imprisonment for fourteen years.

Destruction of aircraft with intent to kill

9. A person who destroys an aircraft to which this Part applies with intent to cause the death of a person or with reckless indifference to the safety of the life of a person shall be guilty of felony and liable to be imprisoned for life.

Prejudicing safe operation of aircraft

10. A person shall not do an act or thing capable of prejudicing the safe operation of an aircraft to which this Part applies with intent to prejudice the safe operation of that aircraft.

Penalty: Imprisonment for fourteen years.

Prejudicing safe operation of aircraft with intent to kill persons, etc.

11. A person who does an act or thing capable of prejudicing the safe operation of an aircraft to which this Part applies—

(a) with intent to prejudice the safe operation of that aircraft;

and

- (b) with intent to cause the death of a person or with reckless indifference to the safety of the life of a person,

shall be guilty of felony and liable to be imprisoned for life.

Assaulting crew, etc.

12. A person shall not, while on board an aircraft to which this Part applies, assault, intimidate or threaten with violence a member of the crew of the aircraft so as to interfere with the performance by the member of his functions or duties connected with the operation of the aircraft or so as to lessen his ability to perform those functions or duties.

Penalty: Imprisonment for fourteen years.

Endangering safety of aircraft

13. A person shall not, while on board an aircraft to which this Part applies, do any Act or thing that, to his knowledge, is likely to endanger the safety of the aircraft.

Penalty: Imprisonment for seven years.

Taking or sending dangerous goods on aircraft

14. (1) Subject to this section, a person shall not—

- (a) carry or place dangerous goods on board an aircraft to which this Part applies;
(b) deliver dangerous goods to a person for the purpose of their being placed on board such an aircraft;

or

- (c) have dangerous goods in his possession on board such an aircraft.

Penalty: Imprisonment for seven years.

(2) This section does not apply—

- (a) to or in relation to an act done with the consent of the owner or operator of the aircraft given with knowledge of the nature of the goods concerned;

or

- (b) to or in relation to the carrying or placing of firearms, or ammunition for firearms, on board an aircraft with permission granted under the Air Navigation Regulations.

(3) In this section, “dangerous goods” means—

- (a) firearms, ammunition, weapons and explosive substances;

and

- (b) substances or things that, by reason of their nature or condition, may endanger the safety of an aircraft or of persons on board an aircraft.

Threats and false statements

15. (1) A person shall not threaten, state that it is his intention, or make a statement from which it could reasonably be inferred that it is his intention, to destroy, damage or endanger the safety of an aircraft to which this Part applies or to kill or injure all or any of the persons on board such an aircraft.

(2) A person shall not make a statement or convey information, being a statement or information that he knows to be false, to the effect, or from which it could reasonably be inferred, that there has been, is or is to be a plan, proposal, attempt, conspiracy or threat to—

(a) take or exercise control, by force or violence, of an aircraft to which this Part applies;

(b) destroy, damage or endanger the safety of such an aircraft;

or

(c) kill or injure all or any of the persons on board such an aircraft.

Penalty: Imprisonment for two years.

Alternative verdicts

16. (1) Where, on the trial of a person for an offence against any of the provisions of section 7 of this Act, the evidence does not establish the commission by him of that offence but establishes the commission by him of an offence against another of those provisions, he may be found guilty of that last-mentioned offence.

(2) Where, on the trial of a person for an offence against section 9 of this Act, the evidence does not establish the commission by him of that offence but establishes the commission by him of an offence against section 8 of this Act, he may be found guilty of that last-mentioned offence.

(3) Where, on the trial of a person for an offence against section 11 of this Act, the evidence does not establish the commission by him of that offence but establishes the commission by him of an offence against section 10 of this Act, he may be found guilty of that last-mentioned offence.

PART IV
MISCELLANEOUS

Arrest of offenders, etc.

17. (1) The person in command of an aircraft to which Part II or Part III of this Act applies may, on board the aircraft, with such assistance as is necessary, arrest without warrant a person whom he finds committing, or reasonably suspects of having committed, or of having attempted to commit, an offence referred to in that Part, and that person in command or a person authorized by him may hold the person so arrested in custody until he can be brought before a Justice of the Peace or other proper authority to be dealt with according to law.

(2) The person in command of an aircraft to which Part II or Part III of this Act applies may, where he considers it necessary so to do in order to prevent an offence against that Part or to avoid danger to the safety of the aircraft or of persons on board the aircraft, with such assistance as he thinks necessary—

(a) place a person who is on board the aircraft under restraint or in custody;
and

(b) if the aircraft is not in the course of a flight—remove a person from the aircraft.

Power of person to search aircraft

18. (1) If in relation to an aircraft to which Part II or Part III of this Act applies, the person in command of the aircraft or any person authorized in writing for the purposes of section 26 of the Commonwealth Act, reasonably suspects that an offence against that Part has been, is being or may be committed on board or in relation to the aircraft, he may, with such assistance as is necessary, search or cause to be searched—

(a) the aircraft and any person, luggage or freight on board the aircraft;
and

(b) in the case of an aircraft to which Part III of this Act applies and which is not engaged in a flight—any person who is about to board the aircraft and any luggage or freight that is about to be placed on board the aircraft.

(2) A female shall not be searched under subsection (1) of this section except by a female.

Saving of other laws

19. This Act is not intended to exclude or limit the operation of any other law of the State.

Person not to be convicted twice for same act or omission

20. Where an act or omission of a person constitutes an offence against this Act and an offence under a law of the Commonwealth and that person is convicted of either of those offences, he is not liable to be convicted of the other of those offences.

Offences under Act

21. All offences under this Act are indictable offences.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 318.

Section 3(3): repealed by 52, 1983, s. 2(a)
Section 3(4): amended by 52, 1983, s. 2(b)