

SOUTH AUSTRALIA

OFF-SHORE WATERS (APPLICATION OF LAWS) ACT, 1976

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

SUMMARY OF PROVISIONS

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SCHEDULE

OFF-SHORE WATERS (APPLICATION OF LAWS) ACT, 1976

being

Off-shore Waters (Application of Laws) Act, 1976,
No. 28 of 1976 [Assented to 24 June 1976]

as amended by

Off-shore Waters (Application of Laws) Act Amendment Act, 1980, No. 4 of 1980 [Assented to 3 April 1980]¹
Petroleum (Submerged Lands) Act, 1982, No. 19 of 1982 [Assented to 11 March 1982]²

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

¹ Came into operation 8 May 1980: *Gaz.* 8 May 1980, p. 1263.

² Came into operation 14 February 1983: *Gaz.* 17 March 1983, p. 655.

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.

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

Short title

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

Definitions

2. 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;
 - (b) is permanently or temporarily resident in the State;
 - (c) being a body corporate, carries on business in the State or is registered, incorporated or established under a law of the State;
 - (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;
 - (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.

Application of law of State to off-shore waters

3. (1) Subject to subsection (2) of this section and to section 13 of the *Petroleum (Submerged Lands) Act, 1982*, and to regulations made under that section, 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.

3.

(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.

Application of law of State to persons connected with the State, etc. in off-shore waters

4. (1) Subject to subsection (2) of this section and to section 13 of the *Petroleum (Submerged Lands) Act, 1982*, and to regulations made under that section, 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.

Averment

5. 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.

Jurisdiction

6. 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.

4.

THE 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;
- (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.

APPENDIX

Legislative History

Section 2:	definition of "coastal waters of South Australia" inserted by 19, 1982, s. 2(1) (1st Sched. cl. 2(1)(a)) definition of "nautical mile" repealed by 19, 1982, s. 2(1) (1st Sched. cl. 2(1)(b))
Section 3:	amended and redesignated as s. 3(1) by 4, 1980, s. 3; amended by 19, 1982, s. 2(1) (1st Sched. cl. 2(1)(c))
Section 3(2):	inserted by 4, 1980, s. 3(b)
Section 4:	amended and redesignated as s. 4(1) by 4, 1980, s. 4; amended by 19, 1982, s. 2(1) (1st Sched. cl. 2(1)(d))
Section 4(2):	inserted by 4, 1980, s. 4(b)
Schedule:	amended by 19, 1982, s. 2(1) (1st Sched. cl. 2(1)(e))