



New South Wales

Crimes at Sea Amendment Act 2000 No 83

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New South Wales

Crimes at Sea Amendment Act 2000 No 83

Act No 83, 2000

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. [Assented to 5 December 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes at Sea Amendment Act 2000*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Crimes at Sea Act 1998 No 173

The *Crimes at Sea Act 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 8

Omit the section. Insert instead:

8 Application of repeal and amendments

- (1) In this section, *commencement day* means the day on which sections 7 and 9 come into operation.
- (2) Although section 7 repeals the *Crimes (Offences at Sea) Act 1980*, 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.
- (3) The amendments referred to in section 9 apply to acts and omissions that take place on or after the commencement day.
- (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.

[2] Section 10

Insert after section 9:

10 No effect on Crimes (Aviation) Act 1991 of the Commonwealth

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

[3] Schedule 1 The Cooperative Scheme

Omit “*Australia-Indonesia*” from the definition of *Area A of the Zone of Cooperation* in clause 1 (1).

Insert instead “*Timor Gap*”.

[4] Schedule 1, clause 1 (1)

Insert in alphabetical order in clause 1 (1):

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).

[5] Schedule 1, clause 1 (1), definition of “outer adjacent area”

Omit “a State,”. Insert instead “a State”.

[6] Schedule 1, clause 1 (1), definition of “State”

Omit “and Norfolk Island”.

[7] Schedule 1, clause 3 (1), definition of “preliminary examination”

Insert “or trial” after “sentence”.

[8] Schedule 1, clause 3 (2)

Omit “constitutional principle stated in” from the matter under the heading “Example 1” following clause 3 (2) (c).

Insert instead “Commonwealth Constitution—see”.

[9] Schedule 1, clause 3 (5)

Omit “subclause (2) (b)”. Insert instead “paragraph (b) of subclause (2)”.

[10] Schedule 1, clause 8

Omit “extra-territorial” and “extra-territorially”.

Insert instead “extraterritorial” and “extraterritorially” respectively.

[11] Schedule 1, clause 12

Omit clause 12 (1). Insert instead:

- (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.

[12] Schedule 1, clause 14 (2) (b)

Omit “section 5A (7)”. Insert instead “subsection (7) of section 5A”.

[13] Schedule 1, clause 14 (4) (b)

Omit “section 5A (3)”. Insert instead “subsection (3) of section 5A”.

[14] Schedule 1, clause 14 (5)

Omit the subclause, and renumber subclause (6) as subclause (5).

[15] Schedule 1, clause 14 (5) (as renumbered by item [14])

Omit “adjacent area”. Insert instead “*adjacent area*”.

[16] Schedule 1, clause 15

Omit the clause. Insert instead:

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.

[17] Schedule 1, clause 16

Insert after clause 15:

16 Indicative map

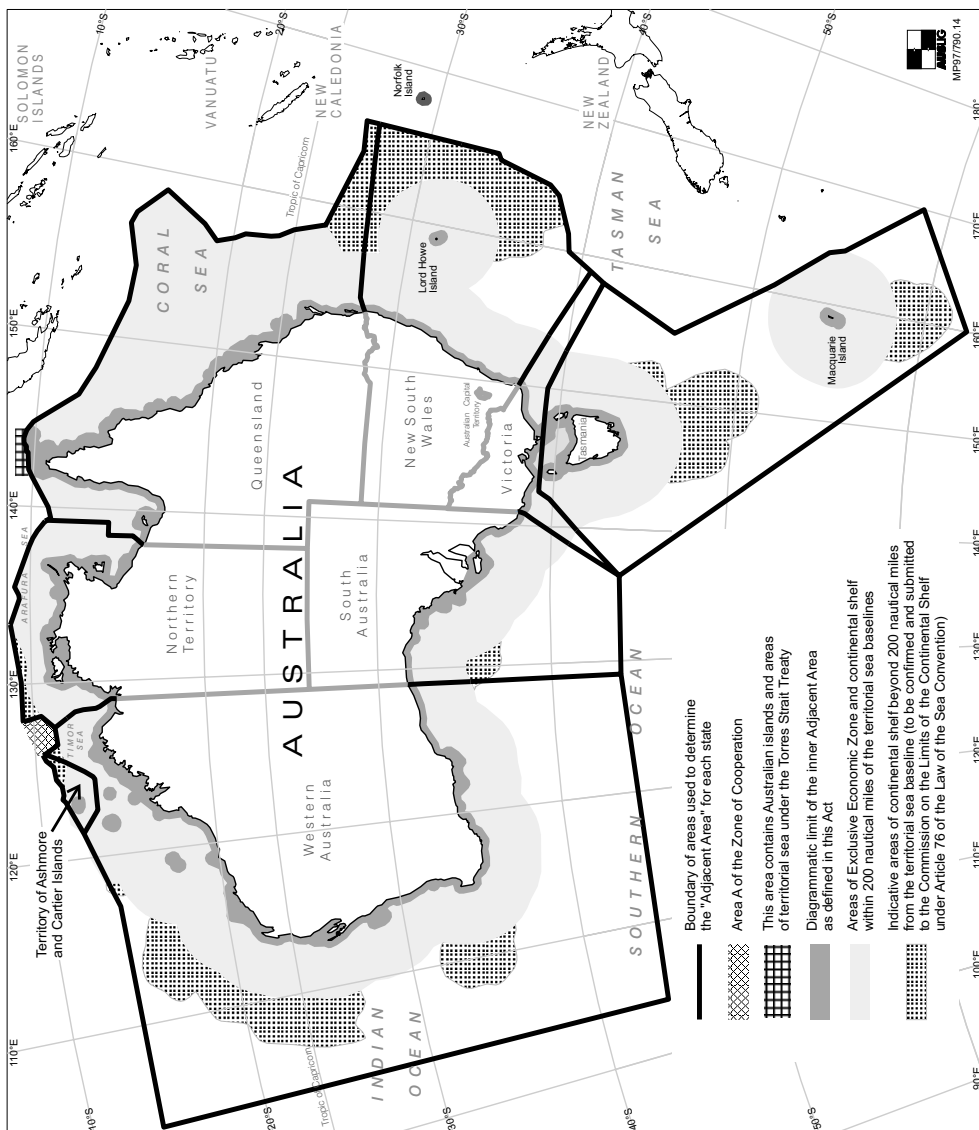
- (1) A map showing the various areas that are relevant to this scheme appears in Appendix 1 to this scheme.
- (2) The map is intended to be indicative only. The provisions of this scheme and of the body of this Act prevail over the map if there is any inconsistency.

[18] Appendix 1 Adjacent areas

Omit the heading. Insert instead “**Appendix 1 Indicative map**”.

[19] Appendix 1

Omit the map. Insert instead the following map:



Crimes at Sea Amendment Act 2000 No 83

Amendments

Schedule 1

[Minister's second reading speech made in—
Legislative Assembly on 1 November 2000
Legislative Council on 23 November 2000]

BY AUTHORITY
