

[Act 2000 No 83]



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
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- (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.