



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 28 of 1976

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.

[Assented to 24th June, 1976]

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

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

2. In this Act, unless the contrary intention appears— Definitions.

"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:

"nautical mile" means a distance of 1 852 metres:

"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. Notwithstanding any other provision of this Act, 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.

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

4. Notwithstanding any other provision of this Act, 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.

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.

THE SCHEDULE

Section 2.

OFF-SHORE WATERS

Those waters between the southward prolongation of the Western Australian and Victorian boundaries of the State—

(a) that lie within three nautical miles seaward of so much of the boundaries of the State as abut the Southern Ocean;

(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.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor