

CRIMES (OVERSEAS).

No. 116 of 1964.

An Act relating to Offences committed by certain
Persons outside Australia.

[Assented to 23rd November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Crimes (Overseas) Act 1964*.

**Commence-
ment.**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions.

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

“Commonwealth officer” has the same meaning as in the *Crimes Act 1914–1960*;

“person to whom this Act applies” means an Australian citizen, or a British subject ordinarily resident in Australia, who is serving in a country outside Australia under arrangements made between the Commonwealth and the United Nations, but does not include a member of the Defence Force;

“Territory” means a Territory of the Commonwealth forming part of the Commonwealth.

**Crimes
committed
overseas.**

4. If—

(a) a person to whom this Act applies does or omits to do an act in a country outside Australia;

(b) under arrangements between the United Nations and the government of that country, that person was not, on the date on which the act or omission took place, to be subject to proceedings in the courts of that country in respect of the act or omission; and

(c) the act or omission, if it had taken place in the Australian Capital Territory, would have been an offence against—

(i) a law of the Commonwealth in force in that Territory;

(ii) the Crimes Act, 1900 of the State of New South Wales, in its application to that Territory, as amended or affected by Ordinances from time to time in force in that Territory; or

(iii) the *Police Offences Ordinance* 1930–1961 of that Territory, as amended from time to time,

that person is guilty of an offence against this Act and is punishable by the same penalty as that by which he would have been punishable if he had been guilty of the first-mentioned offence.

5. The question whether an offence against this Act is to be, or may be, prosecuted or dealt with on indictment or summarily shall be determined in accordance with the law that would be applicable in relation to a prosecution under the laws in force in the Australian Capital Territory if the act or omission alleged to constitute the offence had occurred in the Australian Capital Territory.

Which offences
are indictable.

6.—(1.) A Commonwealth officer may, with such assistance as is necessary, arrest without warrant, outside Australia, a person to whom this Act applies if the officer has reasonable grounds for suspecting that the person has committed, is committing, has attempted to commit or is attempting to commit an offence against this Act.

Arrest of
offenders.

(2.) The Commonwealth officer, 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 in Australia to be dealt with in accordance with law.

(3.) This section does not authorize the holding of a person in custody for a longer time than is reasonably necessary in the circumstances to enable him to be taken to Australia and there brought before a Justice of the Peace or other proper authority.

7.—(1.) Subject to the succeeding provisions of this section, jurisdiction is conferred on the several courts of the States and Territories with respect to offences against this Act.

Trial of
offenders.

(2.) The jurisdiction conferred on courts by the last preceding sub-section is conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, but, in the case of a court of a State, subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2.) of section thirty-nine of the *Judiciary Act* 1903–1960.

(3.) The jurisdiction conferred on a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate.

(4.) The trial on indictment of an offence against this Act may be held—

- (a) in any State; or
- (b) in any Territory in which a court having jurisdiction to try the offence may sit.

(5.) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

- (a) their summary conviction;
- (b) their examination and commitment for trial on indictment;
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act.

(6.) Where a person is convicted of an offence against this Act and the laws of the State or Territory in which he is convicted make no provision, or insufficient provision, for carrying out the penalty imposed in respect of the offence, the penalty shall be enforced or carried into effect as the Governor-General directs.

(7.) Except as provided by this Act, the *Judiciary Act* 1903–1960 applies in relation to offences against this Act.

Evidence.

8. A certificate by the Attorney-General—

- (a) that a person specified in the certificate was, on a date specified in the certificate, a person to whom this Act applies; and
- (b) that, on that date, that person was a person who, under arrangements referred to in paragraph (b) of section four of this Act, was not to be subject to proceedings in the courts of a country specified in the certificate in respect of acts or omissions taking place in that country,

is evidence of the matter certified to.