

# **Crimes at Sea Repeal Regulations 2001 2001 No. 51**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 2001 No. 51**

Issued by the authority of the Minister for Justice and Customs

Crimes at Sea Act 1979

Crimes at Sea Repeal Regulations 2001

Section 18 of the Crimes at Sea Act 1979 ('the 1979 Act') provides that the Governor-General may make regulations for the purposes of the 1979 Act.

The Crimes at Sea Regulations 1987 ('the 1987 Regulations') were made under section 18 of the 1979 Act. The 1987 Regulations interact with the Sea Installation Act 1987 and assert jurisdiction under international law over sea installations (eg, oil platforms) such that the criminal laws of the States or the Northern Territory apply to sea installations.

The purpose of the Regulations is to repeal the 1987 Regulations.

Subsections 46(2) and 47(2) of the Sea Installation Act 1987 were amended by the Crimes at Sea Act 2000 ('the 2000 Act') so that the 1987 Regulations are no longer required. In general terms, the 1979 Act only applied the criminal laws of a relevant State or Territory to acts on ships. This necessitated the specific reference to sea installations in the 1987 Regulations. However, the 2000 Act, which repeals the 1975 Act, asserts extraterritorial criminal jurisdiction in the adjacent areas of each State and the Northern Territory:

- (a) out to 12 nautical miles - by force of law of the State or Northern Territory; and
- (b) beyond 12 nautical miles up to a distance of 200 nautical miles or the outer limit of the continental shelf (whichever is the greater) by force of law of the Commonwealth.

This general assertion of criminal jurisdiction in the 2000 Act means that it is unnecessary to separately address sea installations in regulations. Thus the proposed Regulations will repeal the 1987 Regulations.

Details of the Regulations follow.

### **The Amendments**

Regulation 1 is a formal clause providing for the citation of these regulations.

Regulation 2 provides that these Regulations commence upon commencement of the Crimes at Sea Act 2000, ie. 31 March 2001.

Regulation 3 repeals the *Crimes at Sea Regulations 1987*.