



Western Australia

Off-shore (Application of Laws) Act 1982

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Off-shore (Application of Laws) Act 1982

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Defined terms

Off-shore (Application of Laws) Act 1982

An Act to make provision with respect to the application of the laws of the State in the coastal waters of the State and to repeal the *Off-shore (Application of Laws) Act 1977*².

1. Short title

This Act may be cited as the *Off-shore (Application of Laws) Act 1982*¹.

2. Interpretation

In this Act —

adjacent area in respect of the State has the same meaning as, in relation to Western Australia, that expression has in the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

coastal waters of the State has the same meaning as, in relation to Western Australia, that expression has in the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

cooperative scheme has the same meaning as that expression has in the *Crimes at Sea Act 2000*;

criminal laws means the substantive criminal law, and the law of criminal investigation, procedure and evidence, within the meaning of the cooperative scheme;

law of the State means any present or future law in force in the State, whether written or unwritten and as in force from time to time, and includes any instrument made under such a law, save and except a law of the Commonwealth;

shipping matters means matters relating to ports, harbours and other shipping facilities, including installations and dredging and other works, relating thereto, and other coastal works;

subterranean mining means subterranean mining from land within the limits of the State.

[Section 2 amended: No. 37 of 1983 s. 2; No. 11 of 2000 s. 9.]

3. Application of laws of the State to the coastal waters of the State

- (1) It is declared that —
- (a) the provisions of every law of the State shall be taken to have effect in and in relation to the coastal waters of the State, including the sea-bed and subsoil beneath and the airspace above the coastal waters of the State, as if those waters were part of Western Australia; and
 - (b) any reference in a written law of the State to Western Australia or to the State or to the jurisdiction or any other like reference shall be read as including a reference to the coastal waters of the State.
- (2) Nothing in subsection (1) shall be taken —
- (a) to limit the operation of any written law of the State intended to operate beyond the coastal waters of the State; or
 - (b) to apply the provisions of the criminal laws of the State to or in relation to the coastal waters of the State or the sea-bed or subsoil beneath or the airspace above those waters.

[Section 3 amended: No. 11 of 2000 s. 9.]

3A. Application of certain laws of the State to the adjacent area in respect of the State

- (1) It is declared that —
- (a) the provisions of every law of the State, being a law with respect to subterranean mining or shipping matters, shall be taken to have effect in and in relation to the adjacent area in respect of the State including the sea-bed and subsoil beneath and the airspace above that adjacent area

as if that adjacent area was part of Western Australia;
and

- (b) any reference in a written law of the State, being a law with respect to subterranean mining or shipping matters, to Western Australia or to the State or to the jurisdiction or any other like reference shall be read as including a reference to the adjacent area in respect of the State.
- (2) Nothing in subsection (1) shall be taken —
- (a) to limit the operation of any written law of the State intended to operate beyond the coastal waters of the State; or
 - (b) to apply the provisions of the criminal laws of the State to or in relation to the adjacent area in respect of the State or the sea-bed or subsoil beneath or the airspace above that adjacent area.

[Section 3A inserted: No. 37 of 1983 s. 3; amended: No. 11 of 2000 s. 9.]

4. Regulations

- (1) The Governor may make regulations providing that such provisions or classes of provisions of the laws in force in the State as are specified in the regulations —
- (a) do not have effect by virtue of this Act;
 - (b) do not have effect by virtue of this Act to acts or omissions or classes of acts or omissions, specified in the regulations; or
 - (c) do not have effect by virtue of this Act in circumstances specified in the regulations.
- (2) Where regulations made under subsection (1) are in force, this Act shall be construed to apply the provisions of the laws in force in the State subject to and in accordance with the regulations.

[5. Omitted under the Reprints Act 1984 s. 7(4)(f).]

Notes

- ¹ This reprint is a compilation as at 16 May 2003 of the *Off-shore (Application of Laws) Act 1982* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Off-shore (Application of Laws) Act 1982</i>	21 of 1982	27 May 1982	27 May 1982
<i>Off-shore (Application of Laws) Amendment Act 1983</i>	37 of 1983	1 Dec 1983	1 Dec 1983
<i>Crimes at Sea Act 2000</i> s. 9	11 of 2000	19 May 2000	31 Mar 2001 (see s. 2 and <i>Gazette</i> 30 Mar 2001 p. 1755)

Reprint 1: The *Off-shore (Application of Laws) Act 1982* as at 16 May 2003 (includes amendments listed above)

- ² The provision in this Act repealing the *Off-shore (Application of Laws) Act 1977* has been omitted under s. 7(4)(f) of the *Reprints Act 1984*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
adjacent area in respect of the State	2
coastal waters of the State	2
cooperative scheme	2
criminal laws	2
law of the State	2
shipping matters	2
subterranean mining	2