



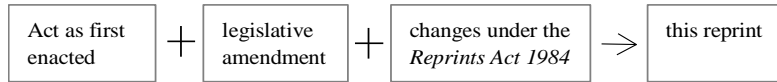
Western Australia

# **Off-shore (Application of Laws) Act 1982**

**Reprint 1: The Act as at 16 May 2003**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the  
*Reprints Act 1984* as  
at 16 May 2003

Western Australia

## Off-shore (Application of Laws) Act 1982

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 16 May 2003

## 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* <sup>2</sup>.**

### 1. Short title

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

### 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 by 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 by 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 by No. 37 of 1983 s. 3; amended by 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

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(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).*]

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**Notes**

- <sup>1</sup> 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**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<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)

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- <sup>2</sup> 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*.