

## CRIMINAL CODE (No. 3).

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No. 71 of 1977.

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### AN ACT to amend The Criminal Code.

[Assented to 28th November, 1977.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Criminal Code Amendment Act (No. 3)*, 1977. Short title.

(2) In this Act "the Code" means The Criminal Code set out in the Schedule to the Criminal Code Act, 1913, appearing in Appendix B to the Criminal Code Compilation Act, 1913 as reprinted with amendments up to and including Act No. 19 of 1973, and amended by Acts Nos. 58 of 1974, 49 of 1975, 35 of 1976, 62 of 1976 and 133 of 1976.

Section 14A  
repealed and  
re-enacted.

2. Section 14A of the Code is repealed and re-enacted as follows—

Offences  
committed  
in adjacent  
off-shore  
area.

14A. (1) Any person connected with the State who while in the adjacent off-shore area does any act or makes any omission of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia is guilty of an offence and shall be liable to arrest, prosecution and punishment in all respects as if such act or omission had occurred in Western Australia and the courts of Western Australia shall have jurisdiction accordingly.

(2) Any person connected with the State who, having while in the adjacent off-shore area done any act or made any omission of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia, afterwards comes into Western Australia is by such coming into Western Australia guilty of an offence of the same kind and is liable to the same punishment as if he had done the act or made the omission in Western Australia.

(3) Any person who, having while in the adjacent off-shore area done any act or made any omission affecting the person or property of a person connected with the State of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia afterwards comes into Western Australia, is by such coming into Western Australia guilty of an offence of the same kind and is liable to the same punishment as if he had done the act or made the omission in Western Australia.

(4) In this section—

“adjacent off-shore area” means all or any of the following areas—

(a) the area that is—

(i) west of one hundred and twenty-nine degrees of East longitude, reckoning from the meridian of Greenwich; and

(ii) within three nautical miles seaward of Western Australia;

(b) the area that is—

(i) west of one hundred and twenty-nine degrees of East longitude, reckoning from the meridian of Greenwich; and

(ii) between Western Australia and the outer limit of the territorial sea of Australia as it may be from time to time;

(c) the area that is—

(i) west of one hundred and twenty-nine degrees of East longitude reckoning from the meridian of Greenwich; and

(ii) within one hundred nautical miles seaward of Western Australia;

“nautical mile” means a distance of 1 852 metres;

“person connected with the State” means—

- (a) a person who is domiciled in the State;
- (b) a person who is resident in the State normally, permanently, or temporarily;
- (c) a person, being a body corporate, that has a place of business or carries on business, in the State or is registered, incorporated, or established under a law of the State;
- (d) a person who is on or 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; and
- (e) a person who 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.

(5) For the purpose of proceedings for an offence under this section an averment in an information or complaint that—

- (a) a person was at a specified time or during a specified period connected with the State;
- (b) a place is a place within the adjacent off-shore area or within any one of the areas described in paragraphs (a), (b), and (c) of the interpretation of adjacent off-shore area as provided in subsection (4) of this section,

shall, in the absence of proof to the contrary, be deemed to have been proved.

3. Section 16 of the Code is repealed and re-enacted as follows—

Section 16  
repealed and  
re-enacted.

16. Where under this Code, any other law, or this Code and any other law an act or omission constitutes more than one offence a person may be convicted of each such offence but shall not be twice punished for the same act or omission unless the act or omission is such that by means thereof the person causes the death of another person, in which case the person may be once punished for an offence of which he is guilty by reason of causing such death, notwithstanding that the person has already been punished for some other offence constituted by the act or omission. .

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