

**Note No: 030/2017**

The Permanent Mission of Australia to the United Nations presents its compliments to the

## **Australian Views on the Scope and Application of**



and prosecution; and international crime cooperation (including the provision of mutual legal

(b) if the act is done in a place beyond the jurisdiction of any country against a ship, aircraft, persons or property.

Part IV also establishes the offence of operating a pirate-controlled ship or aircraft (s 53). Jurisdiction for both of these offences applies irrespective of the nationality of the perpetrators or the victims, the flag state of the vessels involved, or of any connection with Australia. However, the Attorney- prosecute for an offence against Part IV (s 55).

Part 2.4 of the *Criminal Code Act 1995* extends criminal responsibility. Section 11.4 will apply where a person urges the commission of an offence under section 11.4(1) that person is guilty of the offence of incitement. Under section 11.2(1) of the Code, a person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence.

The *Crimes (Ships and Fixed Platforms) Act 1992*

obligations to prosecute and punish acts of maritime violence as outlined in the *1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* and the *1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*. The Attorney- required for prosecutions for most offences under the Act (s 30). Prima facie, offences under the Act extend to relevant acts, matters and things outside Australia and to all persons whatever their nationality or citizenship

(s 5). However, for most offences, proceedings cannot be commenced unless one or more enumerated elements are present linking the offence to Australia or to a State Party to the relevant international instrument (ss 18 and 29). Such an element would be present where, for example, the ship concerned was an Australian ship or where the alleged offender was a national of Australia or of a State Party to the relevant instrument.

In relation to all of the above offences, the general principles of Australian law relating to individual criminal responsibility apply.