

**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Your Ref:  
Our Ref: 13/6096  
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February, 2013

Mr Graham Perrett MP  
Chair  
Standing Committee on Social Policy and Legal Affairs  
Parliament House,  
CANBERRA ACT 2600

**SUBJECT:** *Inquiry into crimes committed at sea*

Dear Mr Perrett

I acknowledge your letter of 21 January 2013 inviting representation from the South Australia Police (SAPOL) before the Inquiry being conducted by the House of Representatives Social Policy and Legal Affairs Committee concerning arrangements for the response to crimes committed at sea.

There is little opportunity for the South Australia Police to contribute information to assist the considerations of the Standing Committee that would be independent of that which will be provided by other State or Territory Police Services. While SAPOL data management systems do not enable crimes at sea to be readily identified it is believed that SAPOL's involvement in such matter, should it have occurred, would be limited to death/s through illness or violence between crew members. The Criminal Investigation Branch (CIB) with overall responsibility for managing the response advise that there have been no incidents reported to SAPOL in recent years of offending within coastal waters or Territorial Sea where SAPOL was required to respond.

There are about 200 first port arrivals of vessels entering Australia through South Australia each year with a further 1,000 intermediate arrivals with South Australia usually the second port of arrival.

In April 2010 at the request of the New South Wales Police SAPOL participated in workshops to develop a national protocol for the reporting of crimes at Sea. That work resulted in national operating arrangements to which SAPOL is a cosignatory. The arrangements assign responsibility for:

- receiving reports of crime,
- investigation of crimes,
- management of victims, witnesses and offenders;
- seizure and security of physical evidence,
- referral to, or liaison with other jurisdictions where appropriate; and
- commencement of legal proceedings where jurisdiction is established.

To ensure that those agreed arrangements are appropriately managed within SAPOL responsibility is assigned to the Officer in Charge, Criminal Investigation Branch, Western Adelaide Local Service Area.

### **Coronial considerations**

Deaths at sea 'within the State' are reportable deaths by virtue of the South Australian Coroners Act, 2003

#### ***Reportable deaths include***

- (a) by unexpected, unnatural, unusual, violent or unknown cause; or*
- (b) on an aircraft during a flight, or **on a vessel during a voyage;***

#### ***State includes—***

- (a) the sea that is within the adjacent area in respect of the State (as defined for the purposes of the Coastal Waters (State Powers) Act 1980 (Cth);*

#### ***State death means the death of a person—***

- (a) that occurred in the State; or*
- (b) where the place of death is unknown but it is reasonably possible that the death occurred in the State; or*
- (c) where the body of the person is in the State; or*
- (d) a cause of which occurred, or possibly occurred, in the State; or*
- (e) where, at the time of death, the person was ordinarily a resident in the State; or*
- (f) **in the case of a death on an aircraft or vessel—where the flight or voyage was to a place of disembarkation in the State.***

#### ***State Coroner or Court may provide assistance to coroners elsewhere***

*The State Coroner or the Coroner's Court may exercise any powers under this Act for the purpose of assisting a coroner of another State or a Territory of the Commonwealth to conduct an investigation, inquiry or inquest under the law of that State or Territory into any event, whether or not there is otherwise jurisdiction under this Act to hold an inquest into that event.*

### **Emergency response capability**

SAPOL's marine search and rescue response capacity operates in conjunction with national search and rescue arrangements that fixes accountability for water search, rescue and/or recovery procedures with other State and national agencies who similarly exercise responsibility to respond to the occurrence of water emergencies.

While SAPOL's marine capability includes a modern vessel with a range of 400 nautical miles there are limitations as to how far the vessel could be deployed to sea given the absence of other State or Commonwealth marine response capability in the seas to the south of the continent.

While SAPOL will not be attending the roundtable I again extend my gratitude for the opportunity extended by your Committee. I believe that other State Police Services will be better positioned to inform the Committee's work given the volume of sea traffic entering their jurisdictions.

Should you require further information I invite you to contact Detective Chief Superintendent Tom Osborn, telephone [REDACTED] or email [REDACTED]

Yours sincerely

(Gary T Burns)  
COMMISSIONER OF POLICE