

# National Protocols for Reporting Crimes at Sea





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**AGREEMENT**

**For a National Protocol for Receiving Reports of Crimes at Sea**

**BETWEEN**

THE NORTHERN TERRITORY POLICE  
-AND-

THE NEW SOUTH WALES POLICE FORCE  
-AND-

THE QUEENSLAND POLICE SERVICE  
-AND-

THE SOUTH AUSTRALIA POLICE  
-AND-

THE TASMANIA POLICE  
-AND-

THE VICTORIA POLICE  
-AND-

THE WESTERN AUSTRALIA POLICE SERVICE  
-AND-

THE AUSTRALIAN FEDERAL POLICE

("the parties/signatories")

This agreement is made on the        day of  
enforcement agencies agree to this Protocol:

2009 and the following Australian law

THE NORTHERN TERRITORY POLICE  
AND

THE NEW SOUTH WALES POLICE FORCE  
AND

THE QUEENSLAND POLICE SERVICE  
AND

THE SOUTH AUSTRALIA POLICE  
AND

THE TASMANIA POLICE  
AND

THE VICTORIA POLICE  
AND

THE WESTERN AUSTRALIA POLICE SERVICE  
AND

THE AUSTRALIAN FEDERAL POLICE

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## **1. Purpose**

1.1 The parties have determined the need to document the following agreement between them for the purpose of better responding to reports of crimes at sea.

## **2. Objective**

2.1. This Protocol aims to ensure:

- 2.1.1 an appropriate police response to crimes at sea reported to Australian law enforcement agencies who are participants in this agreement.
- 2.1.2 that the rights and needs of victims and perpetrators of crimes at sea are protected
- 2.1.3 that evidence is obtained and or secured at the earliest opportunity in accordance with guidelines and policies of the jurisdiction investigating the crime,
- 2.1.4 that where appropriate, prosecutions are commenced in accordance with existing laws and agreements/protocols.
- 2.1.5 a cooperative approach to the commencement of an investigation by the police jurisdiction receiving the report if it is required.

Agreement - For a National Protocol for Receiving Reports of Crimes at Sea

### **3. Application**

- 3.1 The parties expressly acknowledge that this agreement is not a substitute for, and cannot override any provision in International or Australian law that is inconsistent with this agreement.
- 3.2 The parties acknowledge the Intergovernmental Agreement – Crimes At Sea as referred to in the Crimes at Sea Act 2000 (Cth) Schedule 1, Part 3, Clause 5. (See Schedule 1 to this agreement) The parties accept that this protocol operates in conjunction with the Intergovernmental Agreement – Crimes At Sea
- 3.3 This Protocol applies to criminal acts committed on vessels at sea which are:
- 3.3.1 reported to Australian law enforcement agencies, and
  - 3.3.2 subject to any law of the Commonwealth or any State or Territory.

### **4. Primary Responsibilities**

- 4.1 It is agreed that:
- 4.1.1 when a crime at sea is reported to one of the parties, the party receiving the report will commence an investigation as soon as practicable,
  - 4.1.2 consideration of the most appropriate jurisdiction for further investigation and prosecution will be undertaken after the investigation has commenced. This consideration should not in any way impede or delay any investigation.
- 4.2 In the event that a crime occurs at sea and is reported to one of the parties, that party agrees to follow their organisational policies and procedures for:
- 4.2.1 receiving reports of crime
  - 4.2.2 investigation of crimes
  - 4.2.3 management of victims, witnesses and offenders
  - 4.2.4 seizure and security of physical evidence,
  - 4.2.5 referral to, or liaison with other jurisdictions where appropriate, and
  - 4.2.6 commencement of legal proceedings where jurisdiction is established.
- 4.3 Consideration should also be given to:
- 4.3.1 victim care and support

- 4.3.2 appropriate management of offenders
- 4.3.3 gathering and dissemination of intelligence
- 4.3.4 appropriate use of resources
- 4.3.5 compliance with clearance processes by relevant border agencies
- 4.3.6 adherence to standing media policy.

4.4 Due to the sometimes complicated nature of jurisdictional law arising from crimes occurring at sea, legal support and advice should be sought at an early stage of the investigation and maintained throughout.

## **5. Undertaking to assist other parties**

5.1 All parties to this Protocol agree to:

- 5.1.1 assist other parties in their investigations when requested and appropriate,
- 5.1.2 engage with other jurisdictions in determining which party should have the responsibility for continuing the investigation of the matter.

5.2 Each party will nominate a principal point of contact in respect of this agreement. (See Schedule 2 to this agreement)

## **6. Promotion of this Protocol**

6.1 It is agreed that:

- 6.1.1 each party will promote this Protocol within their own agency
- 6.1.2 the Commissioner of each party will highly recommend to the cruise industry, national shipping industry, shipping agents and other industries that conduct their business at sea that they develop, and implement, complementary protocols about the reporting of crimes at sea to Australian law enforcement agencies.

## **7. Review**

7.1 This Protocol after being implement will be reviewed after twelve months.