



Coastal Waters (State Title) Act 1980

Act No. 77 of 1980

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Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

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An Act to vest in each of the States proprietary rights and title in respect of certain land beneath the coastal waters adjacent to the State and within the sovereignty of the Commonwealth

1 Short title [see Note 1]

This Act may be cited as the *Coastal Waters (State Title) Act 1980*.

2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

(1) In this Act:

authority of the Commonwealth includes all authorities and bodies (other than companies or societies) established by or appointed under the laws of the Commonwealth and also includes a company in which the whole of the shares or stock, or shares or stock carrying more than half of the voting power, is or are owned by or on behalf of the Commonwealth, but does not include the Northern Territory.

coastal waters of the State, in relation to a State, has the same meaning as that expression has in the *Coastal Waters (State Powers) Act 1980* and ***coastal waters of a State*** has a corresponding meaning.

(2) In this Act, so far as the context admits:

- (a) a reference to a State shall be read as a reference to the Crown in right of the State; and
- (b) a reference to the sea-bed beneath the coastal waters of a State shall be read as including a reference to the subsoil (including all minerals) beneath that sea-bed and to structures or other things attached to that sea-bed.

4 Vesting of title in States

- (1) By force of this Act, but subject to this Act, there are vested in each State, upon the date of commencement of this Act, the same right and title to the property in the sea-bed beneath the coastal waters of the State, as extending on that date, and the same rights in respect of the space (including space occupied by water) above that sea-bed, as would belong to the State if that sea-bed were the sea-bed beneath waters of the sea within the limits of the State.
- (2) The rights and title vested in a State under subsection (1) are vested subject to:
 - (a) any right or title to the property in the sea-bed beneath the coastal waters of the State of any other person (including the Commonwealth) subsisting immediately before the date of commencement of this Act, other than any such right or title of the Commonwealth that may have subsisted by reason only of the sovereignty referred to in the *Seas and Submerged Lands Act 1973*;
 - (b) a right of the Commonwealth, or an authority of the Commonwealth authorized by the Commonwealth or by a law of the Commonwealth, to use the sea-bed and space referred to in subsection (1) for purposes in relation to communications, the safety of navigation, quarantine or defence, and to place, construct and maintain equipment and structures for the purposes of such use; and
 - (c) a right of the Commonwealth to authorize the construction and use of pipelines for the transport across the sea-bed referred to in subsection (1) of petroleum (including petroleum in gaseous form), recovered, in accordance with a law of the Commonwealth, from any area of the sea-bed beyond the coastal waters of the State.
- (3) The rights and title vested by subsection (1) are vested subject to the operation of the *Great Barrier Reef Marine Park Act 1975* and accordingly are so qualified that nothing contained in, or done under, that Act shall be taken to constitute an infringement of, or derogation from, any such right or title.

- (4) Where, after the commencement of this Act, a change takes place in the baseline from which the breadth of the territorial sea of Australia is measured:
- (a) if, by reason of the change, the coastal waters of a State extend to an area to which they did not previously extend— subsections (1) and (2) have effect in relation to that area as if the references in those subsections to the date of commencement of this Act were references to the date on which the change occurs; or
 - (b) if, by reason of the change, the coastal waters of a State cease to extend to an area to which they previously extended— neither the State, nor any person claiming through the State, continues to have, by virtue of the operation of this Act, any right or title in relation to that area.
- (5) It is the intention of the Parliament that, subject to subsections (2) and (3), any right or title vested in a State by this section may be disposed of or otherwise dealt with in accordance with the laws of the State.
- (6) In this section the *Great Barrier Reef Marine Park Act 1975* means that Act as amended from time to time, in its application to any area that is, at the date of commencement of this Act, part of, or capable of being prescribed as part of, the Great Barrier Reef Region as defined in section 3 of that Act.

5 Parts of sea-bed occupied by Commonwealth and Commonwealth authorities

- (1) In relation to a part of the sea-bed that was, immediately before the commencement of this Act, occupied by, or by structures, installations or other property of, the Commonwealth or an authority of the Commonwealth, subsections 4(1) and (2) do not take effect upon the commencement of this Act but take effect upon such date, if any, as is fixed by the Minister, by notice in the *Gazette*, as the date on which those subsections are to take effect in respect of that part of the sea-bed, and so take effect as if references in those subsections to the date of commencement of this Act were references to the date so fixed.

- (2) Where a date is fixed under subsection (1) in respect of a part of the sea-bed, paragraph 4(2)(a) does not operate to preserve any right or title of the Commonwealth or an authority of the Commonwealth that may have subsisted in respect of that part of the sea-bed immediately before that date.

6 International status of territorial sea

Nothing in this Act affects the status of the territorial sea of Australia under international law or the rights and duties of the Commonwealth in relation to ensuring the observance, in relation to that sea or any other waters, of international law, including the provisions of international agreements binding on the Commonwealth and, in particular, the provisions of the Convention on the Territorial Sea and the Contiguous Zone relating to the right of innocent passage of ships.

7 Application of *Commonwealth Places (Application of Laws) Act 1970*

The *Commonwealth Places (Application of Laws) Act 1970* has effect on and from the date of commencement of this Act in respect of any place in the coastal waters of a State that is a Commonwealth place, as defined in section 3 of that Act, as if that place were within the limits of the State.

8 Savings

Nothing in this Act shall be taken to:

- (a) extend the limits of any State; or
- (b) derogate from any right or title of a State apart from this Act.

Table of Acts

Notes to the *Coastal Waters (State Title) Act 1980*

Note 1

Act No. 77, 1980; assented to 29 May 1980; commenced 14 Feb 1983
(*see Gazette* 1983, No. S29).