



# Coastal and Other Waters (Application of State Laws) Act 1982

**An Act to apply certain laws of Tasmania to the coastal waters of Tasmania  
and to provide for certain related matters**

**[Royal Assent 30 June 1982]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## **1. Short title**

This Act may be cited as the *Coastal and Other Waters (Application of State Laws) Act 1982*.

## **2. Interpretation**

(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires –

***adjacent area of Tasmania*** means the adjacent area of Tasmania ascertained in accordance with section 5A of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth;

***coastal waters*** means, in relation to Tasmania –

(a) the part or parts of the territorial sea of Australia that is or are within the adjacent area in respect of Tasmania other than any part referred to in section 4 (2) of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth; and

(b) any sea that is on the landward side of any part of the territorial sea and is within the adjacent area in respect of Tasmania but is not within the limits of Tasmania;

***law of Tasmania*** means any present or future law in force in Tasmania, whether written or unwritten and as in force from time to time, and includes any instrument made and in force under any such law, but does not include any law of the Commonwealth.

(2) A reference in this Act to the coastal waters of Tasmania includes a reference to the sea-bed and subsoil beneath, and the airspace above, those waters.

### **3. Application of laws of Tasmania to coastal waters and the adjacent area**

(1) Subject to this section –

(a) the provisions of the laws of Tasmania –

(i) have effect in and in relation to the coastal waters of Tasmania; and

(ii) apply to and in relation to any act done or omitted to be done at any place within those waters; and

(b) any reference in any written law of Tasmania to "the State", "Tasmania", or any other similar reference shall be read as including a reference to the coastal waters of Tasmania.

(2) Where any written law of Tasmania is in force with respect to –

(a) subterranean mining from land within the limits of Tasmania or mining which includes subterranean mining from land within those limits; or

(b) ports, harbours, or other shipping facilities (including installations, and dredging and other works, relating thereto) or other coastal works –

then, without prejudice to the operation of subsection (1) with respect thereto and unless the contrary intention appears therein, that law has effect and applies –

(c) with respect to –

(i) subterranean mining carried out or proposed to be carried out; or

(ii) facilities and works referred to in paragraph (b) that are located or carried out or proposed to be located or carried out –

within the adjacent area of Tasmania but beyond the outer limits of the coastal waters of Tasmania (including the sea-bed and subsoil beneath, and the airspace above, that area); and

(d) with respect to any activity or operation carried out or proposed to be carried out within the adjacent area of Tasmania but beyond the outer limits of the coastal waters of Tasmania in relation to any facilities or works so referred to that are located or carried out or proposed to be located or carried out within those outer limits.

(3) Where any written law of Tasmania is in force with respect to sea fisheries or with respect to any activity relating to any such fisheries, that law, unless the contrary intention appears therein, has effect with respect to and applies to fisheries located or partly located either within or beyond the outer limits of those coastal waters or, as the case may be, with respect to any activity relating to those last-mentioned fisheries, to the extent that that law is not inconsistent with any law of the Commonwealth or with any arrangement to which the Commonwealth and this State are parties, being an arrangement authorized by a law of Tasmania.

(4) Subsection (1) has effect in relation to and applies to a written law of Tasmania subject to –

(a) a contrary intention appearing in that law; and

(b) the provisions of regulations in force under this Act.

(5) This section does not operate to apply the provisions of the criminal laws within the meaning of the *Crimes (Offences at Sea) Act 1979* in force in Tasmania to or in relation to any act or omission to which the provisions of those laws apply by virtue of section 6 of that Act.

(6) Nothing in this section shall of itself be taken to limit the effect or application of any written law of Tasmania in so far as it purports to have effect beyond the outer limits of the coastal waters of Tasmania, or to apply to or in relation to any act done or omitted to be done beyond those limits.

#### **4. Jurisdiction of State courts**

(1) Subject to this section, the several courts of Tasmania are, by virtue of this section, invested with jurisdiction in all matters arising under the laws having effect or applying by virtue of section 3.

(2) The jurisdiction with which the several courts are invested by subsection (1) is invested within the limits, other than limits having effect by reference to localities, of their several jurisdictions.

(3) The jurisdiction vested in a court of summary jurisdiction or in any one or more justices by this section shall not be exercised except by a court constituted by a magistrate sitting alone.

(4) This section does not limit the jurisdiction that a court has apart from this section.

(5) In this section –  
***court of summary jurisdiction*** has the meaning assigned to that expression by the *Justices Act 1959*.

## 5. Regulations

The Governor may make regulations providing that such provisions, or classes of provisions, of laws of Tasmania as are specified in those regulations –

- (a) do not have effect in and in relation to the coastal waters of Tasmania;
- (b) do not apply to specified acts or omissions within those waters, or specified classes of acts done or omitted to be done within those waters; or
- (c) do not have effect in specified circumstances or in specified parts of those waters.

**Table Of Amendments**

<b>Act</b>	<b>Number and year</b>	<b>Date of commencement</b>
Coastal and Other Waters (Application of State Laws) Act 1982	No. 12 of 1982	14.7.1982