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COASTAL WATERS (STATE TITLE) BILL 1980

Date Introduced: 23 April 1980
House: House of Representatives
Presented by: Hon. R.J. Ellicott, Q.C., M.P.,
Acting Attorney-General.

Short Digest of Bill

Purpose

To vest in the States rights and title over land beneath the territorial sea.

Background

See Digest of Coastal Waters (State Powers) Bill 1980.

Main Provisions

Clause 4 vests in each State the same right and title in the sea-bed beneath the coastal waters of the State and rights in respect of the space above the sea-bed as it would have if the sea-bed were within the limits of the State. "Coastal waters" means the territorial sea (limited to three miles) and any waters on the landward side of the territorial sea which are not within the limits of the State (see sub-clause 3 (1) definition of "coastal waters" and the Coastal Waters (State Powers) Bill 1980).

The rights and title are vested subject to any right or title of any other person, including the Commonwealth, subsisting at the date the Bill is proclaimed; but not only by virtue of the Seas and Submerged Lands Act 1973; and are also subject to rights of the Commonwealth or its authorities to use the sea-bed and space above for such purposes as communications, defence and quarantine or for a petroleum pipeline (see sub-clause 4(2)).

The rights and title are vested subject to the operation of the Great Barrier Reef National Park Act 1975 and are qualified so that anything done under that Act does not infringe or derogate from any such right or title (sub-clause 4 (3)). Sub-clause 4 (6) provides for the Act to apply, as it is amended from time to time; and for it to apply to any area that is prescribed or able to be prescribed as part of the Region as it is defined in section 3 of the Act immediately before this Bill is proclaimed.
This means that any amendments to that Act, after this Bill is proclaimed, having the effect of either reducing or increasing the total Great Barrier Reef Region in section 3 of the Act, would not operate for the purposes of this Bill; however the Act would apply for the purposes of this Bill to different parts of the Region either fully if they had been prescribed or only potentially if they were not prescribed.

Clause 5 defers the vesting of rights and title in parts of the sea-bed occupied by the Commonwealth or its authorities until the making of a Gazette notice by the Minister.

Clause 6 preserves the international status of the territorial sea.

Clause 7 extends the operation of the Commonwealth Places (Application of Laws Act) 1970 to any place within coastal waters that is a Commonwealth place as defined in that Act.

Clause 8 provides that State limits are not extended and that there is no derogation from any right or title of a State apart from the Bill.

30 April 1980

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