COASTAL WATERS (NORTHERN TERRITORY TITLE) BILL 1980

Date Introduced: 23 April 1980
House: House of Representatives

Short Digest of Bill

Purpose

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

Background

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

Provisions

Clause 4 vests the same right and title to the property in the sea-bed below the coastal waters adjacent to the Territory and the same rights to the space above the sea-bed as if it were within the Territory. Coastal waters means the territorial sea adjacent to the Territory (but fixed at three miles) and any waters on the landward side of the territorial sea which are not within the Territory (see the sub-clause 3(1) definition of "coastal waters of the Territory" and the Coastal Waters (Northern Territory Powers) Bill 1980). The sea-bed includes the sub-soil and all minerals other than uranium and any other substances prescribed under the Atomic Energy Act 1953 at the date the Bill is proclaimed (sub-clause 3(2)).

The rights and title are subject to rights or title of a 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 also to rights of the Commonwealth or its authorities to use the sea-bed and sub-soil for matters such as communications, defence, quarantine or for petroleum pipelines (sub-clause 4(2)).

Where the Commonwealth or an authority occupies part of the sea-bed at the date of proclamation, rights and title will only vest on the making of a Gazette notice by the Minister.
Clause 6 specifically saves the status of the territorial sea under international law.

Clause 7 provides that the Bill does not extend the limits of the Territory and does not derogate from any right or title of the Territory apart from the Bill.

30 April 1980

Law & Government Group
LEGISLATIVE RESEARCH SERVICE.