



Coastal Waters (Northern Territory Title) Act 1980

No. 78 of 1980

An Act to vest in the Northern Territory of Australia proprietary rights and title in respect of certain land beneath the coastal waters adjacent to the Territory and within the sovereignty of the Commonwealth

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[Assented to 29 May 1980]

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1 Short title

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

2 Commencement

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 Territory has the same meaning as that expression has in the *Coastal Waters (Northern Territory Powers) Act 1980*.

prescribed substances means substances that were prescribed substances within the meaning of the *Atomic Energy Act 1953* immediately before the date of commencement of this Act.

Territory means the Northern Territory of Australia.

(2) In this Act, so far as the context admits, a reference to the sea-bed beneath the coastal waters of the Territory shall be read as including a reference to the subsoil (including all minerals other than prescribed substances) beneath that sea-bed and to structures or other things attached to that sea-bed.

4 Vesting of title in Territory

(1) By force of this Act, but subject to this Act, there are vested in the Territory, 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 Territory, 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 Territory if that sea-bed were the sea-bed beneath waters of the sea within the limits of the Territory.

- (2) The rights and title vested in the Territory 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 Territory 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 Territory.
- (3) 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 the Territory 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 the Territory cease to extend to an area to which they previously extended—neither the Territory, nor any person claiming through the Territory, continues to have, by virtue of the operation of this Act, any right or title in relation to that area.
- (4) It is the intention of the Parliament that, subject to subsection (2), any right or title vested in the Territory by this section may be disposed of or otherwise dealt with in accordance with the laws of the Territory.

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 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 Savings

Nothing in this Act shall be taken to:

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