

**Inter-governmental Committee on
Surveying and Mapping (ICSM)**

Tidal Interface Working Group

Compendium of Terms

May 2003

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Tidal Interface - Analysis of Legal Entities – Queensland

Legal Entity: Mean High Water (Spring)
Abbreviation: MHWS
Jurisdiction: Queensland

Definition: Long term average of the heights of two successive high waters during those periods of 24 hours (approximately once a fortnight) when the range of tide is greatest, at full and new moon

Source: http://www.transport.qld.gov.au/qt/tidinfo.nsf/index/qt_tides_notes

Technical Definition: tba

Source: tba

Spatial Object Construct: Primitive

Use: a) "**mean high water springs**" means the long term average height of 2-successive high waters during those periods of 24 hours when the range of tide is greatest, at full and new moon; (*Canals Regulation 1992 - Sect 3*)

Alias / Variations: a) "**high-water mark**" means the mean high-water springs (that is, the mean high-water mark of spring tides) being the long-term average of the height of 2 successive high waters during each period of 24 hours when the range of the tide is greatest (which occurs approximately at full moon and new moon). (*Administrative Boundaries Terminology Act 1985 - Sect 3*)
b) "**high water mark**" means the ordinary high water mark at spring tides. (*Coastal Protection And Management Act 1995 - Schedule 2*)
c) "**high water mark**" - Ordinary high water mark at spring tides; (*Harbours Act 1955-1980 - SECT 8 Meaning of Terms*)
d) "**high-water mark**" means the ordinary high-water mark at spring tides. (*Land Act 1994 - Schedule 6*)
e) "**high water**" means the Mean High Water Spring (MHWS) tide level; (*Marine Parks (Woongarra Zoning Plan) Order 1991 - Schedule 1*)
f) "**high water mark**" has the meaning given by section 8 of the Harbours Act 1955. (*Surveyors Regulation 1992 - Sect 2*)
g) "**high-water mark**" means ordinary high-water mark at spring tides. (*Transport Infrastructure (Ports) Regulation 1994 - Sect 3*)

Possible Variations: a) "**high water**" means the mean height of the highest high water at spring tide. (*Fisheries Act 1994 - Sect 4*)
b) "**high water**" means the mean height of the higher tide at spring tides; (*Marine Parks (Cairns) Order 1992 - Sect 2 Interpretation*)
c) "**high water**" means the mean height of the higher tide at spring tides; (*Marine Parks (Cairns Zoning Plan) Order 1992 - Sect 2 Interpretation*)
d) "**high water**" means the mean height of the higher tide at spring tides; (*Marine Parks (Cairns Zoning Plan) Order 1992 - Sect 2*)
e) "**ordinary spring tides**" means tides which rise to a height equal to the mean height of the superior tides at spring throughout the year. (*Rural Lands Protection Act 1985 - Sect 8*)

Related Entities: a) foreshore
b) inundated land
c) mean low water (spring)
d) navigable river
e) tidal lands
f) tidal navigable river and
g) tidal waters.

Application: a) **Approximation:** adopt guidelines as set out in the "Directions to Surveyors" (Surveyors Act (1978))

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- b) **Approximation**: adopt a well-defined topographic feature that typically represents MHWS in the geographical locality.
- c) **Approximation**: adopt vegetation bounds that typically represent MHWS in the geographical locality.
- d) **Approximation**: adopt an ecosystem bounds that typically represent MHWS in the geographical locality.
- e) **Rigorous**: tidal observations consistent with standards recognised (? published) by the Department of Transport (Maritime Division).
http://www.transport.qld.gov.au/qt/tidinfo.nsf./index/qt_tides_calculation

- Issues:**
- a) Clarification that the possible variations are or are not MHWS legally, technically and or as applied in each business environment.
 - b) Standardisation of terms.
 - c) A number of alias use the phrase “high water mark” or “high water” which is not a tidal plane boundary as documented by Maritime Division, Department of Transport.
 - d) A tidal datum is a horizontal plane, whereas a tide line is a line. Defining a boundary should reflect a line.

References: John Broadbent, Maritime Division, Department of Transport.

Notes:

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Legal Entity:	Mean Low Water (Spring)
Abbreviation:	MLWS
Jurisdiction:	Queensland
Definition:	The long-term average value of two successive low waters over the same periods as defined for MHWS.
Source:	http://www.transport.qld.gov.au/qt/tidinfo.nsf/index/qt_tides_notes
Technical Definition:	tba
Source:	tba
Spatial Object Construct:	Primitive
Use:	a) " mean low water springs " means the long term average height of 2-successive low waters during those periods of 24 hours when the range of tide is greatest, at full and new moon; (<i>Canals Regulation 1992 - Sect 3</i>)
Alias / Variations:	a) " low water " means the mean height of the lowest low water at spring tide. (<i>Fisheries Act 1994 - Sect 4</i>) c) " low-water mark " means the mean low-water springs (that is, the mean low-water mark of spring tides) being the long term average of the height of 2 successive low waters during each period of 24 hours when the range of the tide is greatest (which occurs approximately at full moon and new moon). (<i>Administrative Boundaries Terminology Act 1985 - Sect 3</i>) d) " low water mark " means the ordinary low water mark at spring tides. (<i>Coastal Protection And Management Act 1995 - Schedule 2</i>) e) " low water mark " - Ordinary low water mark at spring tides; (<i>Harbours Act 1955-1980 - SECT 8 Meaning of Terms</i>) f) " low-water mark " means ordinary low-water mark at spring tides. (<i>Transport Infrastructure (Ports) Regulation 1994 - Sect 3</i>)
Possible Variations:	a) common law " low water " defined the extent of the realm at the time that the Colony of Queensland was proclaimed. (<i>Case Law</i>).
Related Entities:	a) baseline waters b) coastal waters c) foreshore d) mean high water (spring) e) navigable river f) tidal lands g) tidal navigable river and h) tidal waters i) Queensland Waters j) Extent of Queensland.
Application:	a) Approximation : adopt a well-defined topographic feature that typically represents MHWS in the geographical locality. b) Approximation : adopt vegetation bounds that typically represent MHWS in the geographical locality. c) Approximation : adopt an ecosystem bounds that typically represent MHWS in the geographical locality. d) Rigorous : tidal observations consistent with standards recognised (? published) by the Department of Transport (Maritime Division). http://www.transport.qld.gov.au/qt/tidinfo.nsf/index/qt_tides_calculation
Issues:	a) The boundary which defines the sovereign extent of Queensland is either common law "low water" or MLWS. The extent of Queensland is fixed relative to its definition as at Federation (1.1.1901). The Harbours Board Act (1894) effectively defined the limits of " tidal waters " as MHWS

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and MLWS. Queensland appears to have adopted MLWS as the extent of its realm as at Federation. Hence what is the seaward bound of the State of Queensland?

References: John Broadbent, Maritime Division, Department of Transport.

Notes: The common law rule that the territory ended at low water mark was established in *R v Keyn* (2 Ex. Div. 63) in 1876, by a majority of seven judges out of a court comprising thirteen. (Imperial).

This led to the passing of the "Territorial Waters Jurisdiction Act 1878" (Imperial) in which is defined:

"The territorial waters of Her Majesty's dominions", in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions:

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Legal Entity:	Foreshore
Abbreviation:	none
Jurisdiction:	Queensland
Definition:	" foreshore " means the land lying between high-water mark and low-water mark at ordinary spring tides.
Source:	Queensland Consolidated Acts - Volume 1 - SECT 3
Technical Definition:	tba
Source:	tba
Spatial Object Construct:	Composite derived from MHWS and MLWS.
Use:	As defined above.
Alias / Variations:	<p>a) "foreshore" means the land lying between high water mark and low water mark as is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides. (<i>Coastal Protection And Management Act 1995 - Schedule 2</i>)</p> <p>b) "foreshores" or "tidal lands" - Such parts of the bed, shore, or banks, of the sea or of any harbour (including any tidal navigable river) as are ordinarily covered and uncovered by the flow and ebb of the tide at spring tides; (<i>Harbours Act 1955-1980 - Sect 8 Meaning of Terms</i>)</p> <p>c) "foreshore" means the part of the bed, shore or banks of the sea or of any harbour, including any tidal navigable river, that is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides. (<i>State Development And Public Works Organization Act 1971 - Sect 5</i>)</p> <p>d) "foreshore" means parts of the banks, bed, reefs, shoals, shore and other land between high water and low water. (<i>Fisheries Act 1994 - Sect 4</i>)</p>
Possible Variations:	a) " foreshore ", " shore ", " coastline ", or other similar term, means the high-water mark along the foreshore, shore, coastline or similar feature; (<i>Administrative Boundaries Terminology Act 1985 - Sect 5</i>)
Related Entities:	<p>a) coast</p> <p>b) seashore</p> <p>c) tidal lands</p> <p>d) tidal waters</p> <p>e) inundated land</p>
Application:	a) Rigorous: Construct from the MHWS and MLWS inheriting the metadata from these definitions.
Issues:	<p>a) Investigate the use of "foreshore" in the Administrative Boundaries Terminology Act 1985.</p> <p>b) Investigate the differences between foreshore, tidal land and tidal waters.</p>
References:	a)
Notes:	a)

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adjacent area	Crimes At Sea Act 2001 - Schedule - Clause 1	"adjacent area" for a State has the meaning given by Clause 14 of this schedule.
adjacent area	PETROLEUM (SUBMERGED LANDS) ACT 1982 - SCHEDULE 2	AREA THAT INCLUDES THE ADJACENT AREA
adjacent area	PETROLEUM (SUBMERGED LANDS) ACT 1982 - SECT 4	"adjacent area" means, subject to subsection (2), so much of the area the boundary of which is described in schedule 2 as is within the territorial sea of Australia, and the territorial sea adjacent to any island forming part of Queensland, and includes, subject to subsection-(3) an area which- (a) is within the area the boundary of which is described in Schedule-3; and (b) is seaward of the coastline of Queensland at mean low water and landward of the inner limit of the territorial sea of Australia; and (c) was, immediately before the commencement of this Act, the subject of an exploration permit for petroleum subsisting under the Commonwealth Act.
adjacent area for Queensland	Crimes At Sea Act 2001 - Schedule - Clause 14(2)	"adjacent area for Queensland" is- (a) so much of the area described in Schedule 2 of the Petroleum (Submerged Lands) Act 1967 (Cwth) in relation to Queensland as is within the outer limits of the continental shelf; (b) the Coral Sea Area (within the meaning of subsection (7) of section 5A of the Petroleum (Submerged Lands) Act 1967 (Cwth) other than the territorial sea within the Coral Sea area; and (c) the areas within the outer limits of the territorial sea adjacent to certain islands of Queensland as determined by proclamation on 4 February 1983 under section 7 of the Seas and Submerged Lands Act 1973 (Cwth); and (d) the apace above and below the areas described in paragraph (a) (b) and (c).
adjacent area in respect of the State	ACTS INTERPRETATION ACT 1954 - SECT 36	"adjacent area in respect of the State" means the area the boundary of which is described in the Petroleum (Submerged Lands) Act 1967 (Cwth), schedule 2, as in force immediately before the commencement of the Coastal Waters (State Powers) Act 1980 (Cwth).
adjacent area in respect of the State	COASTAL WATERS (STATE POWERS) ACT 1980 No. 75 of 1980 - SECT. 3. (Cwth)	"adjacent area in respect of the State" means, in relation to each State, the area the boundary of which is described under the heading referring to that State in Schedule 2 to the Petroleum (Submerged Lands) Act

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		1967 as in force immediately before the commencement of this Act;
adjacent waters of Queensland	OFF-SHORE FACILITIES ACT 1986 - SECT 2	" adjacent waters of Queensland " means-- (a) the waters of the territorial sea of mainland Australia or of the territorial sea adjacent to any island forming part of Queensland that are within the area defined from time to time in Schedule 3 to the Petroleum (Submerged Lands) Act 1982 ; and (b) waters that are on the landward side of any part of the territorial sea referred to in paragraph (a) and are within the area referred to in that paragraph but that are not within the limits of the State; and (c) waters that are beyond the outer limits of the territorial sea referred to in paragraph (a) and within the area referred to in that paragraph.
area	ACTS INTERPRETATION ACT 1954 - SECT 36	" area " of a local government means-- (a) for an Aboriginal, Torres Strait Islander or joint local government--its territorial unit; or (b) for another local government--its basic territorial unit.
area	FISHERIES ACT 1994 - SECT 4	" area " means an area of land, waters or both land and waters, and includes a place.
Area A of the Zone of Cooperation Australian coastal sea	Crimes At Sea Act 2001 - Schedule - Clause 1	" Area A of the Zone of Cooperation " has the same meaning as in the Petroleum (Timor Gap Zone of Co-Operation) Act 1990 (Cwth).
	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	" Australian coastal sea " means any sea or waters the sovereignty in respect of which is declared by the Seas and Submerged Lands Act 1973 to be vested in the Crown in right of Australia, but does not include any waters referred to in section 14 of that Act;
baseline	Crimes At Sea Act 2001 - Schedule - Clause 1	" baseline " for a State has the meaning given by Clause 15 of this Schedule.
baseline	Crimes At Sea Act 2001 - Schedule - Clause 15	" baseline " for a State is the part of the baseline of Australia's territorial sea from which the part of the territorial sea that is within the adjacent area for the State is measured.
baseline	OFFSHORE MINERALS ACT 1998 - SECT 16	" baseline " means the baseline adjacent to the coast of the State (including the coast of any island forming part of the State) as for the time being decided under the <i>Seas and Submerged Lands Act 1973</i> (Cwth), section 7(2)(b).

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baseline of Australia's territorial sea	Crimes At Sea Act 2001 - Schedule - Clause 13	"baseline of Australia's territorial sea" means the baseline from which the breadth of the territorial sea is to be measured under Section 7 of the Seas and Submerged Lands Act 1973 (Cwth)
baseline waters	MINERAL RESOURCES ACT 1989 - SECT 3	"baseline waters" means the waters between the mean low water springs level and the inside of the baseline under the Offshore Minerals Act 1998 , section 16.
bay	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	"bay" , "inlet" , "harbour" , "gulf" , or other similar term, means the high-water mark in the bay, inlet, harbour, gulf or similar feature;
Cairns Section	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"Cairns Section" means the area declared to be part of the Great Barrier Reef Marine Park and assigned the name `Great Barrier Reef Marine Park--Cairns Section' by proclamation under section 31(1) of the Great Barrier Reef Marine Park Act 1975 of the Commonwealth, published in the Commonwealth of Australia Gazette on 13 September 1989;
Cairns Section Zoning Plan	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"Cairns Section Zoning Plan" means the zoning plan of the Great Barrier Reef Marine Park--Cairns Section;
coast	ABORIGINAL LAND ACT 1991 - SECT 3	"coast" has the meaning given by the Beach Protection Act 1968 , section-3.
coast	BEACH PROTECTION ACT 1968 - SECT 3	"coast" means all land, including the bed and banks of any river, stream, watercourse, lake or other body of water-- (a) that is situated above the highest astronomical tide mark and within 400 m, measured by the shortest distance, of that mark; (b) that is situated below the highest astronomical tide mark. This definition applies with respect to every island forming part of the State of Queensland.
coast	CANALS ACT 1958 - SECT 2	"coast" has the same meaning as in the Beach Protection Act 1968 .
coast	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	"coast" see section 6.
coast	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SECT 6	"coast" is all areas within or neighbouring the foreshore.
coast	TORRES STRAIT ISLANDER LAND ACT 1991 - SECT 3	"coast" has the meaning given by the Beach Protection Act-1968 , section-3.

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coast	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" coast " means the high water mark on the shoreline of Queensland or any island forming part of the State.
coastal management control district	BEACH PROTECTION ACT 1968 - SECT 3	" coastal management control district " means a part of the coast that is declared or deemed to be declared under this Act to be a coastal management control district.
coastal waters	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" coastal waters " see section 9.
Coastal waters	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SECT 9	" Coastal waters " are Queensland waters to the limit of the highest astronomical tide.
coastal waters	ENVIRONMENTAL PROTECTION (WATER) POLICY 1997 - SCHEDULE 2	" coastal waters " has the meaning under the Marine Pollution Act.
Coastal waters	FISHERIES ACT 1952 - SECT 4A (Cwth)	4A. (1) For the purposes of this Act, the coastal waters of a State or internal Territory are - (a) the part or parts of the territorial sea of Australia that is or are adjacent to that State or Territory, other than any part referred to in sub-section (2); and (b) any marine or tidal waters that are on the landward side of any part of the territorial sea of Australia and are adjacent to that State or Territory but are not within the limits of a State or Territory. (2) If at any time the breadth of the territorial sea of Australia is determined or declared to be greater than 3 nautical miles, the coastal waters of a State or internal Territory do not include, for the purposes of this Act, any part of the territorial sea of Australia that would not be within the limits of that territorial sea if the breadth of that territorial sea had continued to be 3 nautical miles. (3) Any part of the territorial sea of Australia that is adjacent to the Jervis Bay Territory shall, for the purposes of sub-section (1), be d
coastal waters	FISHERIES ACT 1994 - SECT 4	" coastal waters " of the State has the meaning given by Commonwealth Fisheries Act.
coastal waters	FISHERIES ACT 1994 - SECT 4	" coastal waters " of the State has the meaning given by Commonwealth Fisheries Act.
coastal waters	OFFSHORE MINERALS ACT 1998 - SCHEDULE 1	Diagram of Coastal Waters

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coastal waters	OFFSHORE MINERALS ACT 1998 - SCHEDULE 5	"coastal waters" see section 16(1) and (2).
coastal waters	OFFSHORE MINERALS ACT 1998 - SECT 16	16.(1) Subject to this section, the coastal waters of the State are constituted by the first 3 nautical miles of the territorial sea from the baseline. (2) The coastal waters do not include any waters that are inside the baseline.
coastal waters	TRANSPORT OPERATIONS (MARINE POLLUTION) ACT 1995 - SCHEDULE	"coastal waters" means the coastal waters of the State, and includes other waters within the limits of the State that are subject to the ebb and flow of the tide.
coastal waters of Queensland	RECREATION AREAS MANAGEMENT ACT 1988 - SECT 5	"coastal waters of Queensland" means-- (a) the part or parts of the territorial sea of Australia or the territorial sea adjacent to any island forming part of Queensland that is or are within the area defined in the Petroleum (Submerged Lands) Act 1982 , schedule 3; and (b) sea that is on the landward side of any part of the territorial sea referred to in paragraph (a) and is within the area referred to in that paragraph but is not within the limits of the State.
coastal waters of the State	ACTS INTERPRETATION ACT 1954 - SECT 36	"coastal waters of the State" means (a) the parts of the territorial sea of Australia that are within the adjacent area in respect of the State, other than any part mentioned in the Coastal Waters (State Powers) Act 1980 (Cwth), section-4(2); [5] or (b) any sea that is on the landward side of any part of the territorial sea of Australia and within the adjacent area in respect of the State, but is not within the limits of the State.
coastal waters of the State	COASTAL WATERS (STATE POWERS) ACT 1980 No. 75 of 1980 - SECT. 3. (Cwth)	"coastal waters of the State" means, in relation to each State - (a) the part or parts of the territorial sea of Australia that is or are within the adjacent area in respect of the State, other than any part referred to in sub-section 4 (2); and (b) any sea that is on the landward side of any part of the territorial sea of Australia and is within the adjacent area in respect of the State but is not within the limits of the State or of a Territory. (2) The Acts Interpretation Act 1901, in the form in which it was in force, as amended, immediately before the day on which this Act received the Royal Assent, applies to the interpretation of this Act.

coastal waters of the State	COASTAL WATERS (STATE TITLE) ACT 1980 No. 77 of 1980 - SECT. 3. (Cwth)	" coastal waters of the State ", in relation to a State, has the same meaning as Coastal Waters (State Powers) Act 1980 and that expression has in the 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.
coastal wetlands	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" coastal wetlands " see section 10.
Coastal wetlands	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SECT 10	" Coastal wetlands " include tidal wetlands, estuaries, salt marshes, melaleuca swamps (and any other coastal swamps), mangrove areas, marshes, lakes or minor coastal streams regardless of whether they are of a saline, freshwater or brackish nature.
coastal zone	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" coastal zone " see section 11.
coastal zone	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SECT 11	" coastal zone " is-- (a) coastal waters; and (b) all areas to the landward side of coastal waters in which there are physical features, ecological or natural processes or human activities that affect, or potentially affect, the coast or coastal resources.
coastline	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	" foreshore " , " shore " , " coastline " , or other similar term, means the high-water mark along the foreshore, shore, coastline or similar feature;
Commonwealth State Offshore Area	OFFSHORE MINERALS ACT 1998 - SCHEDULE 3	Diagram of Commonwealth State Offshore Area
continental shelf of Australia	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	" continental shelf of Australia " has the same meaning as in the Seas and Submerged Lands Act 1973;
control district	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" control district " means a part of the coastal zone declared under this Act as a control district.

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Coral Sea Area	Petroleum (Submerged Lands) Act 1967 (Cwth) - Section 5A - Subsection (7)	(7) For the purposes of this Act, the Coral Sea area is so much of the area to the east of the adjacent area in respect of Queensland as comprises waters of the sea that are within the outer limits of the continental shelf, other than any part of that area that is to the south of the parallel of Latitude 25 degrees South or that is on the landward side of the coastline of any island at mean low water.
designated area	MARINE PARKS REGULATION 1990 - SECT 4	" designated area " means an area within a zone set aside by the zoning plan for special management.
fisheries jurisdiction line	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" fisheries jurisdiction line " means the line stated in annex 8 to the Torres Strait Treaty.
fishery area	FISHERIES REGULATION 1995 - SCHEDULE 12	2. The " fishery area " comprises all tidal waters deeper than 200 m that are east of longitude 142deg.31'49" east and the 200 m bathometric line.
foreshore	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	" foreshore ", " shore ", " coastline ", or other similar term, means the high-water mark along the foreshore, shore, coastline or similar feature;
foreshore	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" foreshore " means the land lying between high water mark and low water mark as is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.
foreshore	FISHERIES ACT 1994 - SECT 4	" foreshore " means parts of the banks, bed, reefs, shoals, shore and other land between high water and low water.
foreshore	Queensland Consolidated Acts - Volume 1 - SECT 3	" foreshore " means the land lying between high-water mark and low-water mark at ordinary spring tides.
foreshore	STATE DEVELOPMENT AND PUBLIC WORKS ORGANIZATION ACT 1971 - SECT 5	" foreshore " means the part of the bed, shore or banks of the sea or of any harbour, including any tidal navigable river, that is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.
Foreshores or Tidal lands	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	" Foreshores " or " Tidal lands " - Such parts of the bed, shore, or banks, of the sea or of any harbour (including any tidal navigable river) as are ordinarily covered and uncovered by the flow and ebb of the tide at spring tides;
Great Barrier Reef Marine park	MARINE PARKS REGULATION 1990 - SECT 4	" Great Barrier Reef marine park " means-- <u>(a)</u> Cairns Marine Park; or <u>(b)</u> Townsville-Whitsunday Marine Park; or <u>(c)</u> Mackay-Capricorn Marine Park.

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Great Barrier Reef Region	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	"Great Barrier Reef Region" means - (a) the area described in the Schedule; and (b) such area (if any) contiguous with the northern boundary of that area as is prescribed, other than any part of such an area that is referred to in section 14 of the Seas and Submerged Lands Act 1973 or is an island, or a part of an island, that forms part of Queensland and is not owned by Australia;
Great Barrier Reef Region	NATURE CONSERVATION (PROTECTED AREAS) REGULATION 1994 - SECT 2	"Great Barrier Reef Region" has the meaning given by the Great Barrier Reef Marine Park Act 1975 (Cwth).
Great Barrier Reef Region	NATURE CONSERVATION (PROTECTED AREAS) REGULATION 1994 - SECT 2	"Great Barrier Reef Region" has the meaning given by the Great Barrier Reef Marine Park Act 1975 (Cwth).
Great Barrier Reef Region	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	"Great Barrier Reef Region" has the meaning given by the Great Barrier Reef Marine Park Act 1975 (Cwth).
Great Barrier Reef Region	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	"Great Barrier Reef Region" has the meaning given by the Great Barrier Reef Marine Park Act 1975 (Cwth).
gulf	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	"bay" , "inlet" , "harbour" , "gulf" , or other similar term, means the high-water mark in the bay, inlet, harbour, gulf or similar feature;
H.A.T.	MARINE PARKS REGULATION 1990 - SECT 4	"H.A.T." means highest astronomical tide.
harbour	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	"bay" , "inlet" , "harbour" , "gulf" , or other similar term, means the high-water mark in the bay, inlet, harbour, gulf or similar feature;
high water	FISHERIES ACT 1994 - SECT 4	"high water" means the mean height of the highest high water at spring tide.
high water	FISHERIES ACT 1994 - SECT 4	"high water" means the mean height of the highest high water at spring tide.
high water	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"high water" means the mean height of the higher tide at spring tides;
high water	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2	"high water" means the mean height of the higher tide at spring tides;

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	Interpretation	
high water	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" high water " means the mean height of the higher tide at spring tides;
high water	MARINE PARKS (WOONGARRA ZONING PLAN) ORDER 1991 - SCHEDULE 1	" high water " means the Mean High Water Spring (MHWS) tide level;
high water mark	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 3	" high-water mark " means the mean high-water springs (that is, the mean high-water mark of spring tides) being the long-term average of the height of 2 successive high waters during each period of 24 hours when the range of the tide is greatest (which occurs approximately at full moon and new moon).
high water mark	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" high water mark " means the ordinary high water mark at spring tides.
High water mark	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	" High water mark " - Ordinary high water mark at spring tides;
high water mark	LAND ACT 1994 - SCHEDULE 6	" high-water mark " means the ordinary high-water mark at spring tides.
high water mark	SURVEYORS REGULATION 1992 - SECT 2	" high water mark " has the meaning given by section 8 of the Harbours Act 1955 .
high water mark	TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994 - SECT 3	" high-water mark " means ordinary high-water mark at spring tides.
highest astronomical tide	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;
highest astronomical tide	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;
highest astronomical tide	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;

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highest astronomical tide	MARINE PARKS (WOONGARRA ZONING PLAN) ORDER 1991 - SCHEDULE 1	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;
highest astronomical tide	MARINE PARKS REGULATION 1990 - SECT 4	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.
highest astronomical tide	MARINE PARKS REGULATION 1990 - SECT 4	" highest astronomical tide " means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.
inlet	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	" bay " , " inlet " , " harbour " , " gulf " , or other similar term, means the high-water mark in the bay, inlet, harbour, gulf or similar feature;
inner adjacent area	Crimes At Sea Act 2001 - Schedule - Clause 1	" inner adjacent area " for a State means the parts of the adjacent area for the State that are- (a) on the landward side of the baseline for the State; and (b) on the landward side, but within 12 nautical miles from, the baseline for the State.
Interpretation of boundaries shown on maps	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 7	7. Unless the contrary intention appears, where a map is used to delineate the boundaries of an administrative district and a boundary is marked-- (a) along the line of the coastline, a harbour, or a tidal watercourse or tidal lake, the boundary shall be the high-water mark along the coastline or in the harbour, watercourse or lake;
land	ACTS INTERPRETATION ACT 1954 - SECT 36	" land " includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, and whatever may be the interest in the land.
land	ENVIRONMENTAL PROTECTION ACT 1994 - SCHEDULE 4	" land " includes-- (a) the airspace above land; and (b) land that is, or is at any time, covered by waters; and (c) waters.
land	FISHERIES ACT 1994 - SECT 4	" land " includes foreshores and tidal and nontidal land.
land	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	" land " - Includes land covered by water;
land	INDY CAR GRAND PRIX ACT 1990 - SECT 2	" land " includes foreshore, land below high water mark of tidal water and bed and banks of a river, stream, watercourse, lake or other body of water.

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land	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" land " means a part of earth's surface (other than a reef) above the highest water mark.
land under tidal water	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" land under tidal water " includes foreshore.
latitude & longitude	TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994 - SECT 3	References to latitude or longitude : 3A. A reference in this regulation to latitude or longitude is a reference to latitude or longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).
Low Tide	Commonwealth of Australia Gazette S29 (9 February 1983)	" Low Water " means lowest Astronomical Tide, and " Low Tide " has a similar meaning
Low Water	Commonwealth of Australia Gazette S29 (9 February 1983)	" Low Water " means lowest Astronomical Tide, and " Low Tide " has a similar meaning
low water	FISHERIES ACT 1994 - SECT 4	" low water " means the mean height of the lowest low water at spring tide.
low water	FISHERIES ACT 1994 - SECT 4	" low water " means the mean height of the lowest low water at spring tide.
low water mark	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 3	" low-water mark " means the mean low-water springs (that is, the mean low-water mark of spring tides) being the long term average of the height of 2 successive low waters during each period of 24 hours when the range of the tide is greatest (which occurs approximately at full moon and new moon).
low water mark	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" low water mark " means the ordinary low water mark at spring tides.
Low water mark	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	" Low water mark " - Ordinary low water mark at spring tides;
low water mark	TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994 - SECT 3	" low-water mark " means ordinary low-water mark at spring tides.
low-tide elevation	Commonwealth of Australia Gazette S29 (9 February 1983)	" low-tide elevation " has the same meaning as in the Convention
Maclennan Cay	MEAKER TRUST (RAINE ISLAND RESEARCH) ACT 1981 - SECT 5	" Maclennan Cay " means the coral cay situated at the intersection of 11deg.22' south latitude and 143deg.48' east longitude.

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Marine Park	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	"Marine Park" means the Great Barrier Reef Marine Park established by this Act;
marine park	MARINE PARKS REGULATION 1990 - SECT 4	"marine park" means a marine park established or continued under the Act.
median line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"median line" means the line every point of which is equidistant from the nearest points of the reefs or coastline to which it applies;
mile	Commonwealth of Australia Gazette S29 (9 February 1983)	"mile" mean an international nautical mile, being a distance of 1852 metres;
Moulter Cay	MEAKER TRUST (RAINE ISLAND RESEARCH) ACT 1981 - SECT 6	"Moulter Cay" means the coral cay situated at the intersection of 11deg.24'24"-south latitude and 144deg.01'17" east longitude.
n mile	FISHERIES REGULATION 1995 - SCHEDULE 17	"n mile" means nautical mile.
National Parks Act	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	"National Parks Act" means the National Parks and Wildlife Conservation Act 1975;
natural feature	SURVEYORS REGULATION 1992 - SECT 2	"natural feature" means a topographical feature suitable for use as a boundary in a cadastral survey, and includes-- (a) a mountain range; and (b) a cliff; and (c) a river; and (d) a watercourse; and (e) a seashore.
Navigable river	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	"Navigable river" - Includes and river, creek, or stream communicating with the sea (and all tributaries thereof) as far up the same as the spring tide ordinarily flows and re-flows, and also any river, creek, or stream communicating with the sea (and all tributaries thereof) as far as it is or they are capable, whether in the natural state or otherwise, of navigation by such vesels as are ordinarily employed, whether on the river, creek, or stream or elsewhere, for the purpose of conveying any goods; and "tidal navigable river" means navigable river as far up the same as the spring tide ordinarily flows and reflows but no further;
navigable river	LAND ACT 1994 - SCHEDULE 6	"navigable river" see section 8.
navigable river	LAND ACT 1994 - SECT 8	"navigable river" includes as far up a river, creek or stream, connecting to the sea, whether in the natural state or otherwise, as--

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		(a) the spring tides ordinarily flow and reflow; and (b) a ship ordinarily used to transport goods can be navigated.
nontidal land	FISHERIES ACT 1994 - SECT 4	"nontidal land" includes land permanently or periodically submerged by waters not subject to tidal influence.
nontidal land	FISHERIES ACT 1994 - SECT 4	"nontidal land" includes land permanently or periodically submerged by waters not subject to tidal influence.
outer adjacent area	Crimes At Sea Act 2001 - Schedule - Clause 1	"outer adjacent area" for a State means the part of the adjacent area for the State that is outside the inner adjacent area for the State.
park	GREAT BARRIER REEF MARINE PARK ACT 1975 No. 85 of 1975 - SECT. 3. (Cwth)	"park" means a park declared under the National Parks Act;
port	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	"port" has the meaning given by the Transport Infrastructure Act 1994 .
Queensland waters	ACTS INTERPRETATION ACT 1954 - SECT 36	"Queensland waters" means all waters that are-- (a) within the limits of the State; or (b) coastal waters of the State.
Queensland waters	FISHERIES ACT 1994 - SECT 4	"Queensland waters" means all waters that are-- (a) within the limits of the State; or (b) coastal waters of the State.
Queensland waters	RECREATION AREAS MANAGEMENT ACT 1988 - SECT 5	"Queensland waters" means all waters-- (a) that are within the limits of Queensland; or (b) that are coastal waters of Queensland.
Raine Island	MEAKER TRUST (RAINE ISLAND RESEARCH) ACT 1981 - SECT 7	"Raine Island" means the coral cay situated at the intersection of 11deg.37'-south latitude and 144deg.01' east longitude.
reef	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	"reef" includes bommie fields, reef slopes, moats and ramparts;
reef edge	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"reef edge" means the seaward edge of a reef;
reef edge	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	"reef edge" means the seaward edge of a reef;
sea	ABORIGINAL LAND ACT 1991 - SECT 3	"sea" includes waters within the ebb and flow of the tide.
sea	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	"sea" includes bays, arms and inlets of the sea.

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Sea	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	" The sea " - Includes bays, arms, or inlets of the sea;
sea	TORRES STRAIT ISLANDER LAND ACT 1991 - SECT 3	" sea " includes waters within the ebb and flow of the tide.
seaward	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	" seaward " means toward tidal water.
shore	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 5	" foreshore ", " shore ", " coastline ", or other similar term, means the high-water mark along the foreshore, shore, coastline or similar feature;
shore	TRANSPORT INFRASTRUCTURE (GOLD COAST WATERWAYS) MANAGEMENT PLAN 2000 - SCHEDULE 6	" shore " means the shore at low water mark.
shore	TRANSPORT INFRASTRUCTURE (SUNSHINE COAST WATERWAYS) MANAGEMENT PLAN 2000 - SCHEDULE 5	" shore " means the shore at low water mark.
smooth waters	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" smooth waters " means the waters-- (a) of rivers, creeks, streams and lakes; or (b) within breakwaters or revetments; or (c) within .5 n mile of the shore within partially smooth waters; or (d) described in schedule 9
straight line	Commonwealth of Australia Gazette S29 (9 February 1983)	" straight line " means geodesic
territorial sea	Commonwealth of Australia Gazette S29 (9 February 1983)	" territorial sea " means the territorial sea of Australia
territorial sea	Crimes At Sea Act 2001 - Schedule - Clause 13	" territorial sea " has the same meaning as in the Seas and Submerged Lands Act 1973 (Cwth).
territorial sea	PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) ACT 1983 - SECT 3 (Cwth)	"territorial sea" means the territorial sea of Australia;
territorial sea of Australia	ACTS INTERPRETATION ACT 1954 - SECT 36	" territorial sea of Australia " means the territorial sea of Australia within the limits mentioned in the Coastal Waters (State Powers) Act 1980 (Cwth), section 4(1).

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the 1 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 1 km line " means the line every point of which is 1 km seaward from the nearest point of the reef edge of the reef to which it applies;
the 1 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 1 km line " means the line every point of which is 1 km seaward from the nearest point of the reef edge of the reef to which it applies;
the 1 km line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" the 1 km line " means the line every point of which is 1 km seaward from the nearest point of the reef edge of the reef to which it applies;
the 100 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 100 m line " has a corresponding meaning to the 1 km line;
the 100 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 100 m line " has a corresponding meaning to the 1 km line;
the 2 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 2 km line " has a corresponding meaning to the 1 -km line;
the 2 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 2 km line " has a corresponding meaning to the 1 -km line;
the 2 km line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" the 2 km line " has a corresponding meaning to "the 1 km line";
the 25 n mile line	FISHERIES REGULATION 1995 - SCHEDULE 17	" the 25 n mile line " means a line parallel to the territorial sea baseline and -25-n-miles out to sea.
the 3 n mile line	FISHERIES REGULATION 1995 - SCHEDULE 17	" the 3 n mile line " means a line parallel to the territorial sea baseline and -3-n-miles out to sea.
the 5 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 5 km line " means the line every point of which is 5 km seaward from the nearest point of the coastline of the mainland at low water;
the 5 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the 5 km line " means the line every point of which is 5 km seaward from the nearest point of the coastline of the mainland at low water;
the 5 km line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" the 5 km line " means the line every point of which is 5 km seaward from the nearest point of the coastline of the mainland at low water;
the 500 m line	MARINE PARKS (CAIRNS ZONING PLAN)	" the 500 m line " has a corresponding meaning to the 1 km line;

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	ORDER 1992 - SECT 2 Interpretation	
the 500 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"the 500 m line" has a corresponding meaning to the 1 km line;
the 500 m line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	"the 500 m line" has a corresponding meaning to "the 1 km line";
the coastal 1 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"the coastal 1 km line" means the line every point of which is 1-km seaward from-- (a) the nearest point of the coastline at low water of the island or the mainland, to which it applies; or (b) where there is a fringing reef wholly or partly around the island or along the mainland to which it applies--the nearest point of the reef edge of that fringing reef;
the coastal 1 km line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"the coastal 1 km line" means the line every point of which is 1-km seaward from-- (a) the nearest point of the coastline at low water of the island or the mainland, to which it applies; or (b) where there is a fringing reef wholly or partly around the island or along the mainland to which it applies--the nearest point of the reef edge of that fringing reef;
the coastal 1 km line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	"the coastal 1 km line" means the line every point of which is 1 km seaward from-- (a) the nearest point of the coastline at low water of the island or the mainland, to which it applies; or (b) where there is a fringing reef wholly or partly around the island or along the mainland to which it applies--the nearest point of the reef edge of that fringing reef;
the coastal 1 n mile line	MARINE PARKS (WOONGARRA ZONING PLAN) ORDER 1991 - SCHEDULE 1	"the coastal 1 n mile line" means the line every point of which is at a distance of one nautical mile from the nearest point of the coastline at high water;
the coastal 100 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"the coastal 100 m line" has a corresponding meaning to the coastal 1-km line;
the coastal 100 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	"the coastal 100 m line" has a corresponding meaning to the coastal 1-km line;
the coastal 100 m line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	"the coastal 100 m line" has a corresponding meaning to "the coastal 1-km line";

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the coastal 200 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the coastal 200 m line " has a corresponding meaning to the coastal 1 -km line;
the coastal 200 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the coastal 200 m line " has a corresponding meaning to the coastal 1 -km line;
the coastal 300 m line	MARINE PARKS (WOONGARRA ZONING PLAN) ORDER 1991 - SCHEDULE 1	" the coastal 300 m line " has a corresponding meaning to "the coastal one nautical mile line";
the coastal 5 km line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" the coastal 5 km line " has a corresponding meaning to "the coastal 1 km line";
the coastal 500 m line	FISHERIES REGULATION 1995 - SCHEDULE 17	" the coastal 500 m line " , around the mainland or an island, means the line worked out as follows-- (a) for any part of the mainland or island where there is a coral reef within 100 m of the mainland or island--the line every point of which is 500 m seaward from the seaward edge of the reef at low water mark; (b) for any other part of the mainland or island--the line every point of which is 500 m seaward from the shore of the mainland or island at low water mark.
the coastal 500 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the coastal 500 m line " has a corresponding meaning to the coastal 1 -km line;
the coastal 500 m line	MARINE PARKS (CAIRNS ZONING PLAN) ORDER 1992 - SECT 2 Interpretation	" the coastal 500 m line " has a corresponding meaning to the coastal 1 -km line;
the coastal 500 m line	MARINE PARKS (CAIRNS) ORDER 1992 - SECT 2	" the coastal 500 m line " has a corresponding meaning to "the coastal 1 -km line".
tidal land	ABORIGINAL LAND ACT 1991 - SECT 3	" tidal land " means land that is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.
tidal land	FISHERIES ACT 1994 - SECT 4	" tidal land " includes reefs, shoals and other land permanently or periodically submerged by waters subject to tidal influence.
tidal land	FISHERIES ACT 1994 - SECT 4	" tidal land " includes reefs, shoals and other land permanently or periodically submerged by waters subject to tidal influence.
tidal land	MARINE PARKS ACT 1982 - SECT 9	" tidal land " means land that is submerged at any time by tidal waters.
tidal land	RECREATION AREAS	" tidal land " means land that is submerged at

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	MANAGEMENT ACT 1988 - SECT 5	any time by tidal waters.
tidal land	TORRES STRAIT ISLANDER LAND ACT 1991 - SECT 3	"tidal land" means land that is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.
Tidal lands	Harbour Boards Act 1892 - SECT 7 Interpretation	"Tidal lands" means such parts of the bed, shore, or banks, of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;
tidal navigable river	LAND ACT 1994 - SCHEDULE 6	"tidal navigable river" see section 8.
tidal navigable river	LAND ACT 1994 - SECT 8	"tidal navigable river" means a river navigable as far up as the spring tide ordinarily flows and reflows.
tidal water	CANALS ACT 1958 - SECT 2	"tidal water" means tidal water under and within the meaning of the Harbours Act 1955 . For the purposes of this Act-- "tidal water" includes all those tidal waters contained in Dunlop's Drain as described in the schedule within the limits set out in such description.
tidal water	COASTAL PROTECTION AND MANAGEMENT ACT 1995 - SCHEDULE 2	"tidal water" means the sea and any part of a harbour or water course ordinarily within the ebb and flow of the tide at spring tides.
Tidal Water	Harbours Act 1955-1980 - SECT 8 Meaning of Terms	"Tidal water" - Any part of the sea or of any harbour (including any tidal navigable river) ordinarily within the ebb and flow of the tides at spring tides;
tidal water	LAND ACT 1994 - SECT 8	"tidal water" means any part of the sea or of a port (including any tidal navigable river) ordinarily within the ebb and flow of the tide at spring tides.
tidal watercourse	ADMINISTRATIVE BOUNDARIES TERMINOLOGY ACT 1985 - SECT 3	"tidal watercourse" means a watercourse or that part of a watercourse, in which the tide ebbs and flows.
Tidal waters	Harbour Boards Act 1892 - SECT 7 Interpretation	"Tidal Water" means and part of the sea or of a river within the ebb and flow of the tide at ordinary spring tide;
tidal waters	LAND ACT 1994 - SCHEDULE 6	"tidal water" see section 8.
tidal waters	MARINE PARKS ACT 1982 - SECT 9	"tidal waters" means Queensland waters that are subject to tidal influence.
tidal waters	RECREATION AREAS MANAGEMENT ACT 1988 - SECT 5	"tidal waters" means Queensland waters that are within the ebb and flow of the tide at spring tides.
Torres Strait area	ABORIGINAL LAND ACT 1991 - SECT 3	"Torres Strait area" has the same meaning as in the Torres Strait Islander Land Act 1991

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Torres Strait Islands	MEAKER TRUST (RAINE ISLAND RESEARCH) ACT 1981 - SECT 4	" Torres Strait Islands " means those islands lying north of 11deg. south latitude that are part of the State.
Torres Strait Treaty	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" Torres Strait Treaty " has the meaning given by the Torres Strait Fisheries Act 1984 .
Torres Strait zone	TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995 - SCHEDULE 11	" Torres Strait zone " means the waters described in schedule 10.
watercourse	BUILDING ACT 1975 - SECT 3	" watercourse " means-- (a) a canal, creek, river or stream in which water flows permanently or intermittently; or (b) an ocean, a lake or other collection of water (whether permanent or intermittent).
waters	ENVIRONMENTAL PROTECTION ACT 1994 - SCHEDULE 4	" waters " means Queensland waters.
waters	RECREATION AREAS MANAGEMENT ACT 1988 - SECT 5	" waters " means Queensland waters.
waterway	FISHERIES ACT 1994 - SECT 4	" waterway " includes a river, creek, stream, watercourse or inlet of the sea.
zone	MARINE PARKS REGULATION 1990 - SECT 4	" zone " means a zone created by a zoning plan.

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Tidal Interface – Analysis of Legal Entities – Tasmanian Perspective

1st November 2002

INTRODUCTION

This document has been produced by the Office of the Surveyor General, Tasmania in support of the activities of the ICSM Tidal Interface Working Group.

It is an attempt to document the current use of the major terms used to define coastline boundaries (as distinct from the ‘dependent’ zones delimited by those boundaries) in Tasmanian legislation.

It is formatted similarly to National Mapping Division’s submission on the same issue.

The terms analysed in this document were selected on the basis of use in Tasmanian legislation. In the final analysis the only two terms used with any regularity are:

- Low Water Mark
- High Water Mark

However, a number of references, with limited occurrences in legislation, are made to similar terms with slightly different meanings:

- Mean Low Water
- various terms including the words Ordinary Spring Tides and Highest Spring Tides

These are outlined within the sections on the major terms above.

The information collated for these terms tries to answer the following questions:

How is the term used in Tasmanian legislation?

What is the technical definition of the term?

What are the similar or related terms used in Tasmanian legislation or case law?

Is there a definition for the term in a legal dictionary citing legislation or case law?

What zones are bounded using this term?

Is the term defined in the actual legislation?

How and how often is the term used in legislation?

The legislative search was conducted using the search function available on the Tasmanian Legislation website <http://www.thelaw.tas.gov.au> maintained by the Tasmanian Department of Premier and Cabinet. Tasmanian Supreme Court (post 1987) case law search was conducted using the search function available on the Australasian Legal Information Institute website <http://www.austlii.edu.au> maintained by UTS and UNSW Faculties of Law.

Legal Entity: Low Water Mark

Primary Use: Used predominantly to delimit local boundaries for marine parks, fisheries, municipal jurisdictions and wharf precincts; and at common law, the seaward boundary of the foreshore or seashore.

Spatial Object Construct: Primitive

Technical Definition: The line along the coast to which the sea recedes at low water, being the lowest level reached by the water during one tidal cycle. Also called low tide.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Variations in wording, with the same meaning:

Low Tide: Has same meaning as low water.

Source: AHS Tidal Glossary

Related Terms in Tasmanian legislation with slightly different meanings:

Mean Low Water: A tidal level. The average of all low waters observed over a sufficiently long period.

Source: AHS Tidal Glossary

Note: This term is used to define the landward extent of Tasmania's 'adjacent area' in Petroleum (Submerged Lands) Act 1982. Only two references were found in Tasmanian legislation. State waters and coastal waters, terms included in various marine resources acts, are defined in terms of being 'adjacent to the State', and thus appear to also be bounded by the line of mean low water.

(ebb and flow of) the Tides at Ordinary Spring Tides: Limitation Act 1974

Indian Spring Low Water: A tidal datum originated by Sir G Darwin when investigating tides of India. An elevation depressed below mean sea level by the amount equal to the sum of the amplitudes of the four main harmonic constituents: M2, S2, K1 and O1. used once in Tasmanian legislation.

Source: AHS Tidal Glossary

Legal Definition (legal dictionary citing case law):

The lowest line to which a body of water recedes. With respect to the sea, it is the height of the lowest ebb tide. The position of low water mark depends not on a chart but on a determination made by a court of law.

Source: Butterworths Australian Legal Dictionary

Dependent Entities:

Low water mark, at common law, forms the seaward boundary of the seashore or foreshore.

Low water mark (as altered using various measures) also forms the basis for the establishment of the Baseline of Australia's territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf which are vested in the Commonwealth by the (Cwlth) Seas and Submerged Lands Act 1973. This Act itself adopts the UN Convention on the Law of the Sea 1982.

Source: Butterworths Australian Legal Dictionary

Defined in Tasmanian legislation:

nil

Use in Tasmanian legislation:

Found 10 records.

Food Act 1998 (No. 30 of 1998)

3. Interpretation

Wesley Vale Pulp and Paper Industry Act 1961 (No. 48 of 1961)

12. Disposal of effluent

Florentine Valley Paper Industry Act 1935 (No. 27 of 1935)

19. Power to construct drains and other works

Fisheries (Scalefish) Rules 2001 (S.R. 2001, No. 115)

34. Taking Australian salmon in certain waters

86. Southern region

95. Use of gillnet in shark nursery waters

99. Use of beach seine net

Land Use Planning and Approvals Act 1993 (No. 70 of 1993)

7. Municipalities may exercise powers in respect of accretions from sea, &c.

Public Health Act 1997 (No. 86 of 1997)

3. Interpretation

Local Government Act 1993 No. 95 of 1993)

16. Municipal areas

Comment: Low water (mark) appears to be distinct from mean low water in terms of both technical and legal definition, and each features in the delimitation of distinct legally defined maritime zones.

Legal Entity: High Water Mark

Primary Use: Depiction of the coastline for topographic mapping. Common law boundary for titling purposes. Boundary for planning, fisheries and police jurisdictions.

Spatial Object Construct: Primitive

Technical Definition:

1. The mark left by the tide at high water. Also the line or level reached, usually the highest. Also known as high water line.
2. A permanent mark which indicates the maximum observed level of the tide.

Source: AHS Tidal Glossary

Legal Definition (legal dictionary citing case law):

In relation to tidal waters, the mean line between the approximate high water at spring tides and neap tides. To obtain an accurate measure the tides should be measured over at least half a year in every year. The **mean** high water mark can form a natural boundary to lands bounded by tidal waters. Judicially defined, the mean high water mark is the line of the medium high tide between the highest tide of each lunar month (the springs) and the lowest each lunar month (the Neaps) averaged over the year. *A-G vs Chambers (1854)*.

Source: Butterworths Australian Legal Dictionary.

Defined in Tasmanian legislation:

Nil

Use in Tasmanian legislation:

Found 20 records.

Tamar Improvement Act (No. 2) 1913 (No. 56 of 1913)

2. Acquisition of foreshore

Self's Point Land Act 1951 (No. 32 of 1951)

3. Reclamation of land

Inland Fisheries (Districts) Order 1996 (S.R. 1996, No. 71)

Sched. 2 - The district of the North-Western Fisheries Association

Inland Fisheries (Commercial Nets and Fees) Regulations 1999 (S.R. 1999, No. 156)

3. Interpretation

Inland Fisheries (Recreational Fishing) Regulations 1999 (S.R. 1999, No. 157)

3. Interpretation

Beauty Point Landslip Act 1970 (No. 78 of 1970)

Sched. 1: Part I - Land district of Devon – Town of Beauty Point

Sched. 1: Part II - Land district of Devon – Parish of Wells

Motor Accidents (Liabilities and Compensation) Act 1973 (No. 71 of 1973)

2. Interpretation

Inland Fisheries (Seaward Limits) Order 1996 (S.R. 1996, No. 75)

Sched. 1 - Seaward limits of certain rivers

Fisheries (Abalone) Rules 2000 (S.R. 2000, No. 3)
19. Restrictions on fishing licence (recreational abalone)

Fisheries (Scalefish) Rules 2001 (S.R. 2001, No. 115)
3. Interpretation

Sewers and Drains (Trial Harbour Limited Sewerage District) Order 2001 (S.R. 2001, No. 163)
Sched. 1 - Trial Harbour Limited Sewerage District

Sewers and Drains (Trial Harbour Urban Land Drainage District) Order 2001 (S.R. 2001, No. 164)
Sched. 1 - Trial Harbour Urban Land Drainage District

Land Use Planning and Approvals Act 1993 (No. 70 of 1993)
20. What can a planning scheme provide for?

Historic Cultural Heritage Act 1995 (No. 117 of 1995)
64. Application of Part

Crown Lands Act 1976 (No. 28 of 1976)
57. Reservation of land abutting on streams

Police Offences Act 1935 (No. 44 of 1935)
49. Power of Commissioner of Police to grant permit

Fisheries Rules 1999 (S.R. 1999, No. 158)
3. Interpretation
39. Taking and possessing octopus

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000 (S.R. 2000, No. 49)
3. Interpretation

Variations in wording, with the same meaning

High Water Mark Line: same as high water mark.
High Tide Mark: same as high water mark.
Source: AHS Tidal Glossary

Medium High Tide between the spring and neap tides: equates to *Butterworths'* definition.

Related Terms in Tasmanian legislation with slightly different meanings

Indicating a mean of spring high tides
High Water Mark of ordinary spring tides:
(ebb and flow of) the Tides at Ordinary Spring Tides: Limitation Act 1974

Indicating an extreme of high tide
(swept by tidal water) to the Highest Landward Extent:
(regular ebb and flow of) the Highest Spring Tides:

Dependent Entities:

foreshore – land between high and low water; land covered and uncovered by the ebb and flow of the tide (*Butterworth*).

Tidal Interface - Analysis of Legal Entities – Tasmania

shore/shoreline/shore of the sea of any tidal waters/seashore

coast/coastline

tidal waters/tidal river/tidal limits/tidal land – bounded by the ebb and flow of the tide at ordinary spring tides, not being a harbour (*Butterworth*); but also: the mean high water mark can form a natural boundary to lands bounded by tidal waters (*Butterworth*).

marine waters

seabed/bed of the sea

bay/inlet

Comment:

The legal definition of high water mark quoted appears to equate it with the mean high water mark and medium/median high tide whereas the technical definition leans towards the extremes, differentiating between high water and mean high water. The terms listed above indicate that legislators were attempting to differentiate between mean high tide, mean spring high tide and extreme high tide.

Peter Blume's paper 'Mean High Water Mark Revisited' indicates that case law is not specific in exactly how the mean should be determined.

CONCLUSIONS in relation to TsOR from the Tasmanian perspective

TOR 2: Compendium of definitions in use:

A great deal of work will be required if we are to pursue this TOR. Even a cursory examination of the term ‘high water mark’ from Butterworths’ definitions, Blume’s paper, Hallmann and Peter Todd’s Queensland analysis of definitions in Queensland legislation reveals significant variations in interpretation. Both maritime boundary terms and dependent zone entities would have to be thoroughly researched.

TOR 3: Realisation of definitions on the ground and in the digital environment.

I don’t see this TOR as being practically possible. The statement in Butterworths that ‘the position of low water mark (or any other wording in legislation ?) does not depend on a chart, but on a determination by a court of law’ is pertinent. I also wonder about the practicality of attempting such a task. In Tasmania, the high and low water mark datasets are predominantly the result of photogrammetric interpretation of aerial photographs (using heights and visual indications) for the 1:25,000 topo mapping series, a methodology not precise enough to distinguish between the various descriptions of high and low water mark in legislation.

TOR 4 and 5: Comment in relation to future standardised definitions and their realisation:

From the Tasmanian perspective, the boundary descriptions that would be useful and could be recommended for use in future legislation (but not influencing existing legislation, which would be fraught with problems) are as follows:

High water mark

- mean
- mean high water springs
- highest astronomical tide

Low water mark

- mean
- mean low water springs
- lowest astronomical tide

I have listed these on the basis that the following appears to hold in Tasmania, given that many of the terms used rely on a common law interpretation: The common law zone of foreshore is bounded by the mean high water mark and the low water mark (equates to line of lowest astronomical tide ?), the requirements of the UN Convention of the Sea are also satisfied by the line of lowest astronomical tide, and the State adjacent area by the mean low water mark.

Tidal land is bounded by the lines of ordinary spring tides (equates to mean high and low water springs ?). For some purposes, where the Crown wishes to increase the zone of application of particular legislation, the highest spring tides (equates to highest astronomical tide ?) definition is used.

The relationship between the dependent maritime zone terms used in legislation and these boundary terms will have to be determined and a limited number recommended for future use.

Whilst the six boundaries above may be reasonably easily conceptualised and defined, I would expect that their realisation on the ground, or in spatial datasets to a greater precision than we already have, would be on an as-needs basis rather than any large-scale program.

John VanderNie

Tasmanian legislation, and Supreme Court case law from 1987
– maritime boundary related terms and phrases used but not defined.

- high water mark
- high water mark line
- high water mark of ordinary spring tides
- medium high tide between the spring and neap tides
- high tide mark
- swept by tidal waters to the highest landward extent
- regular ebb and flow of the highest spring tides
- ebb and flow of the tides at ordinary spring tides
- waters within the ebb and flow of the tide
- low water mark
- mean low water
- low tide
- shore
- shoreline
- shore of the sea of any tidal waters
- seashore
- coast
- coastline
- tidal waters
- marine waters
- tidal land
- tidal river
- tidal limits
- bay
- inlet
- sea bed
- bed of the sea
- harbour

Notes:

A search of recent Tasmanian Supreme Court case law indicates that the interpretation of maritime boundary has not been the object of a court decision. Inquiry with the Land Titles Office indicates that the precise definition of maritime boundary, in particular HWM, has not been an issue in the past in Tasmania.

The terms above rely either on common law or common meaning for their interpretation. HWM in particular has been the subject of case law extending back to the 19th century English courts, and appears to have several interpretations involving the combination of spring, ordinary and neap tides adopted and the period of coverage of water in a given period.

Land in Tasmania has been granted predominantly to HWM, with a small portion to LWM or beyond. Recent legislation transferring land to the Aboriginal community has included land to LWM, and grants of land over maritime structures has included land beyond the LWM.

John VanderNiet
8th May 2002

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Tidal Interface - Analysis of Legal Entities – Tasmania

Existing Term	Defn	Percieved Intent	Key Term equivalent
Low water mark, low tide.	The lowest line to which a body of water recedes. With respect to the sea, it is the height of the lowest ebb tide.	Used predominantly to delimit local boundaries for marine parks, fisheries, municipal jurisdictions and wharf precincts; and at common law, the seaward boundary of the foreshore or seashore. Forms basis for baseline of Australia's territorial sea.	LAT
Low water mark of ordinary spring tides, Indian springs low water ?.		May form the seaward boundary of 'tidal land'.	MLWS
Mean low water	A tidal level. The average of all low waters observed over a sufficiently long period.	This term is used to define the landward extent of Tasmania's 'adjacent area' in Petroleum (Submerged Lands) Act 1982. Only two references were found in Tasmanian legislation. State waters and coastal waters, terms included in various marine resources acts, are defined in terms of being 'adjacent to the State', and thus appear to also be bounded by the line of mean low water.	MLW
		Not used in Tasmanian legislation.	MSL

Tidal Interface - Analysis of Legal Entities – Tasmania

High water mark line, high tide mark, medium high tide between the spring and neap tides	In relation to tidal waters, the mean line between the approximate high water at spring tides and neap tides. To obtain an accurate measure the tides should be measured over at least half a year in every year. The mean high water mark can form a natural boundary to lands bounded by tidal waters. Judicially defined, the mean high water mark is the line of the medium high tide between the highest tide of each lunar month (the springs) and the lowest each lunar month (the Neaps) averaged over the year. A-G vs Chambers (1854).	Depiction of the coastline for topographic mapping. Common law boundary for titling purposes and defining the landward extent of the foreshore. Boundary for planning, fisheries and police jurisdictions.	MHW
	Source: Butterworths Australian Legal Dictionary.		
High water mark of ordinary spring tides, ebb and flow of the tides at ordinary spring tides.		May form the landward boundary of 'tidal land'.	MHWS
Swept by tidal water to the highest landward extent, regular ebb and flow of the highest spring tides.		Used where the intent is to incorporate all land affected by the tide.	HAT

Tasmanian legislation search of definitions related to maritime boundary.

Motor Accidents (Liabilities and Compensation) Act 1973 Section 2(1)	" beach " means any land (whether above or below high-water mark) which forms, or forms part of, the beach or shore of the sea or any tidal waters;
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000 Section 3(1)	" beach " means any land (whether above or below high-water mark) which forms, or forms part of, the beach or shore of the sea or any tidal waters;
Food Act 1998 (No. 30 of 1998) Section 3.	" wharf " includes any structure extending below the low-water mark.
Public Health Act 1997 (No. 86 of 1997) Section 3.	" wharf " includes any structure that extends beyond the low-water mark;
Coastal and Other Waters (Application of State Laws) Act 1982 Section 2(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;
Inland Fisheries (Recreational Fishing) Regulations 1999 Section 3.	" coastal lagoon " means –(a) any lagoon specified in Schedule 1 of the Act; and (b) any lagoon adjacent to the sea that comes within the ebb and flow of the tides at ordinary spring tides only at irregular intervals;

<p>Living Marine Resources Management Act 1995 Section 3.</p>	<p>"coastal waters" means –(a) any part of the territorial sea of Australia adjacent to the State within 3 nautical miles of the baseline by reference to which the territorial limits of Australia are defined for the purposes of international law; and (b) the marine or tidal waters on the landward side of any territorial sea of Australia adjacent to the State but not within the limits of the State;</p>
<p>Fisheries (Scalefish) Rules 2001 Section 3.</p>	<p>"offshore waters" means State waters that are not– (a) coastal waters; or (b) within the limits of the State;</p>
<p>Fisheries Rules 1999 Section 3(1).</p>	<p>"Commonwealth waters" means waters within the Australian fishing zone that are –(a) outside State waters; and (b) outside the coastal waters of another State;</p>
<p>Environmental Management and Pollution Control Act 1994 Section 3(1).</p>	<p>"coastal waters of the State" means any part of the sea that is from time to time included in the coastal waters of the State by virtue of the the Coastal Waters (State Powers) Act 1980 of the Commonwealth</p>
<p>Marine and Safety Authority Act 1997 Section 3.</p>	<p>"coastal waters" means –(a) any part of the territorial sea of Australia adjacent to the State within 3 nautical miles of the baseline by reference to which the territorial limits of Australia are defined for the purposes of international law; and (b) the marine or tidal waters on the landward side of any territorial sea of Australia adjacent to the State;</p>

<p>Crimes at Sea Act 1999 Part 6.</p>	<p>PART 6 - ADJACENT AREAS Interpretation: Part 6</p> <p>13. In this Part – "baseline of Australia's territorial sea" means the baseline from which the breadth of the territorial sea is to be measured under section 7 of the Seas and Submerged Lands Act 1973 of the Commonwealth; "continental shelf" has the same meaning as in the Seas and Submerged Lands Act 1973 of the Commonwealth; "territorial sea" has the same meaning as in the Seas and Submerged Lands Act 1973 of the Commonwealth.</p> <p>Adjacent areas</p> <p>14. (1) The adjacent area for New South Wales, Victoria, South Australia or Tasmania is so much of the area described in Schedule 2 to the Petroleum (Submerged Lands) Act 1967 of the Commonwealth in relation to that State that is within the outer limits of the continental shelf and includes the space above and below that area.</p> <p>Baselines</p> <p>15. (1) The baseline for a State (other than Norfolk Island) is the part of the baseline of Australia's territorial sea from which the part of the territorial sea that is within the</p>
<p>Petroleum (Submerged Lands) Act 1982 Section 3(1).</p>	<p>"adjacent area" means, subject to subsection (2), so much of the area the boundary of which is described in Schedule 2 as is part of the territorial sea of Australia, including the territorial sea adjacent to any island forming part of Tasmania and, subject to subsection (3), includes an area which –</p> <p>(a) is within the area the boundary of which is described in Schedule 2; (b) is seaward of the coastline of Tasmania at mean low water and landward of the inner limit of the territorial sea of Australia; and (c) was, immediately before the commencement of this Act, the subject of an exploration permit for petroleum subsisting under the Commonwealth Act;</p>
<p>Petroleum (Submerged Lands) Act 1982 Section 8.</p>	<p>In this Division "the Commonwealth adjacent area" means the adjacent area in respect of Tasmania determined in accordance with section 5A of the Commonwealth Act.</p>

<p>Offshore Waters Jurisdiction Act 1976 Section 3.</p>	<p>"territorial sea" means the territorial sea of Australia so far as it extends from time to time.</p>
<p>Inland Fisheries Act 1995 Section 7.</p>	<p>State waters</p> <p>7. State waters are –</p> <p>(a) any waters of the territorial sea of Australia that are –</p> <p>(i) within 3 nautical miles of the baseline by reference to which the territorial limits of Australia are defined for the purposes of international law; and</p> <p>(ii) adjacent to the State; and</p> <p>(b) any marine or tidal waters that are on the landward side of that baseline and are adjacent to the State, except inland waters; and</p> <p>(c) any land which is swept by those waters to the highest landward extent</p>
<p>Marine Farming Planning Act 1995 Section 3.</p>	<p>"State waters" means waters within the meaning of the Living Marine Resources Management Act 1995;</p>
<p>Fisheries Rules 1999 Section 3(1).</p>	<p>"Commonwealth waters" means waters within the Australian fishing zone that are –</p> <p>(a) outside State waters; and</p> <p>(b) outside the coastal waters of another State;</p>
<p>Pollution of Waters by Oil and Noxious Substances Act 1987 Section 3.</p>	<p>"State waters" means –</p> <p>(a) the territorial sea adjacent to the State;</p> <p>(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State; and</p> <p>(c) waters within the limits of the State;</p>
<p>Marine Search and Rescue Act 1971 Section 2.</p>	<p>"sea" includes waters within the ebb and flow of the tide;</p>

Limitation Act 1974 Section 10(5).	(5) For the purposes of subsection (4) " foreshore " means – (a) the shore and bed of the sea or of any tidal water below the line of medium high tide between the spring tides and the neap tides; and (b) where any Crown land has been reserved or excepted from sale as a reserve of any kind beside any lake, river, stream, or other water, any land lying between the reserve and that lake, river, stream, or other water.
Water Management Act 1999 Section 3(1).	"tidal area" means any part of a watercourse that is subject to the regular ebb and flow of the highest spring tides;
Sullivans Cove Planning Act 1995 3(1).	"land" includes – (a) buildings and other structures permanently fixed to land; and (b) land covered with water; and (c) water covering land; and (d) any estate, interest, easement, servitude, privilege or right in or over land;
Whales Protection Act 1988 Section 3.	"land" includes land covered by the sea or other waters, and the part of the sea or those waters covering that land;
Aboriginal Relics Act 1975 section 2(1).	"land" includes land covered by the sea or other waters, and part of the sea or those waters covering that land;
Animal Health Act 1995 Section 3(1).	"land" includes any land forming the bed of any sea, river, lake, foreshore, inlet, harbour or any other body of water within the State;
Historic Cultural Heritage Act 1995 Section 3.	"land" includes – (a) buildings; and (b) land covered with water; and (c) water covering land;
Water Management Act 1999 Section 3(1).	"land" includes – (a) buildings and other structures permanently fixed to land; and (b) land covered with water; and (c) water covering land; and (d) any estate, interest, easement, privilege or right in or over land;

<p>Valuation of Land Act 2001 section 3.</p>	<p>"land" includes – (a) messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description (whatever may be the estate or interest in them), together with all structures, paths, passages, ways, waters, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals and quarries and all trees and timber on land or lying or being under land; and (b) any structure which is above land but permanently anchored to, or otherwise kept in place above, the land; and (c) a licence to enter or remain on land;</p>
<p>National Parks and Wildlife Act 1970 section 3(1).</p>	<p>"land" includes land covered by the sea or other waters, and the part of the sea or those waters covering that land;</p>
<p>Land Use Planning and Approvals Act 1993 Section 3(1).</p>	<p>"land" includes – (a) buildings and other structures permanently fixed to land; and (b) land covered with water; and (c) water covering land; and (d) any estate, interest, easement, servitude, privilege or right in or over land;</p>
<p>Mineral Resources Development Act 1995 Section 3.</p>	<p>"land" includes – (a) land within the beds or banks of any stream and watercourse; and (b) land beneath the internal waters of Tasmania; and (c) the sea bed; and (d) waters in, upon or above land; and (e) stratum of land;</p>

Note: (1) this listing is not exhaustive of all possible terms; there may be others not found.

(2) see accompanying word document for terms used in Tasmanian legislation but not defined.

Tidal Interface - Analysis of Legal Entities – South Australia

Other Term	Defn	Percieved Intent	Key Term
Coastline	Not given	Used to define landward limit of a public area Used also to indicate the extent of the Minister of the Crown's jurisdiction to seaward.	MLW
Tidal Water	any part of the sea, or any arm or inlet thereof, or any river within the ebb and flow of the tide at ordinary spring tides		MHWS MLWS
Sea Shore	Not Given	To define the area below high water mark	MHW
Foreshore of the sea	the land extending from low water mark to the nearest road or section boundary, or to a distance of 30 metres from high water mark (which ever is the lesser distance)	To define the landward limit of public areas	MLW
Foreshore	the area between low water mark on the seashore and the nearest boundary of a) a road b) a section c) a public reserve, or d) land comprised in a land grant, Crown lease or Crown licence.	To define the landward limit of public areas	MLW
Coast	a) all that land within the mean high water mark and the mean low water mark on the seashore at spring tides b) above and within one hundred metres of that mean high water mark c) below and within three nautical miles or that mean low water mark d) within any estuary, inlet, river, creek, bay or lake and subject to the ebb and flow of the tide		MHWS MLWS

Tidal Interface - Analysis of Legal Entities – South Australia

Legal Entity: Lowest Astronomical Tide (LAT)

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The lowest level of tide that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

Source: South Australian Tide Tables

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Use not found in search of State legislation

Tidal Interface - Analysis of Legal Entities – South Australia

Legal Entity: Highest Astronomical Tide (HAT)

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The highest level that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions. This is not the extreme level that can be reached as storm surges may cause considerably higher levels to occur.

Source: South Australian Tide Tables

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Use not found in search of State legislation

Tidal Interface - Analysis of Legal Entities – South Australia

Legal Entity: Mean Low Water Springs (MLWS)

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The level that is the average of all the twice-daily low tides at spring periods. Corresponding levels exist for neap tides.

Source: South Australian Tide Tables

Related:

Low water (LW): The lowest level reached by the sea in one oscillation.

Indian Spring Low Water (ISLW): The lowest level, for most practical purposes, which the tide falls. Only in exceptional circumstances will the tide fall lower.

Neap Tide: The tides, which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to spring tides.

Legal Definition (Legal dictionary or case law):

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

2 documents found on search of "mean low water".

Generally used in context of defining the coast "at mean low water mark".

Tidal Interface - Analysis of Legal Entities – South Australia

Legal Entity: Low Water

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The lowest level reached by the sea in one oscillation.

Source: South Australian Tide Tables

Related:

Neap Tide: The Tides, which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to spring tides.

Mean Low Water Springs (MLWS): The level that is the average of all the twice-daily low tides at spring periods. Corresponding levels exist for neap tides.

Mean Tide Level: The average of the levels of all high and low waters.

Legal Definition (Legal dictionary or case law):

Raven V Keane, confirms that the extent, and status of the foreshore: “The foreshore, that part of the seashore between ordinary high-water mark and low-water mark, prima facie belongs to the Crown”.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Use of the term Mean Low Water found in two State Acts.

The term Low Water Mark was found in 15 State Acts.

Legal Entity: High Water (HW)

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The highest level reached by the surface of the sea in one oscillation.

Source: South Australian Tide Tables

Related:

Neap Tide: The Tides, which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to spring tides.

Mean High Water Springs (MHWS): A tidal level. The average of all high water observations at the time of spring tide over a period time (preferably 19 years). Applicable in semi-diurnal waters only.

Mean Tide Level: The average of the levels of all high and low waters.

Legal Definition (Legal dictionary or case law):

Raven V Keane, confirms that the extent, and status of the foreshore: “The foreshore, that part of the seashore between ordinary high-water mark and low-water mark, prima facie belongs to the Crown”.

Mean High Water Mark

A-G v Chambers is the precedent generally adopted for the extent of parcels bounded by tidal waters. It defines MHW by referring to:

This point of the shore therefore is about four days in every week. I.e., for the most part of the year, reached and covered by the tides.

...the average of these medium tides in each quarter of a lunar revolution during the year...

...the line of the medium tide between the springs and the neaps. All land below that line is more often than not covered at high water, and so may be justly said, in the language of Lord Hale, to be covered by the ordinary flux of the sea. This can not be said of any land above that line...

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Mean High Water was used one State Act.

High Water Mark is referred to in 13 Acts and associated Regulations.

Tidal Interface - Analysis of Legal Entities – South Australia

Legal Entity: Mean High Water Springs (MHWS)

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The level that is the average of all twice-daily high tides at spring periods. Corresponding levels exist for neap tides.

Source: South Australian Tide Tables

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

No use of this term found.

Legal Entity: Neap Tide

Primary Use in SA:

Spatial Object Construct:

Technical Definition: The tides, which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to spring tides.

Source: South Australian Tide Tables

Related:

Mean High Water Springs (MHWS): The level that is the average of all twice-daily high tides at spring periods.

Mean Low Water Springs (MLWS): The level that is the average of all the twice-daily low tides at spring periods. Corresponding levels exist for neap tides.

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Use not found in search of State legislation

Legal Entity: Spring Tide

Primary Use in SA:

Spatial Object Construct: Primitive

Technical Definition: The highest level reached by the surface of the sea in one oscillation.

Source: South Australian Tide Tables

Related:

Neap Tide: The tides, which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to spring tides.

Mean High Water Springs (MHWS): The level that is the average of all twice-daily high tides at spring periods.

Mean Low Water Springs (MLWS): The level that is the average of all the twice-daily low tides at spring periods. Corresponding levels exist for neap tides.

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of State legislation.

Use in legislation:

Use not found in search of State legislation

APPENDIX

Method of legislative search

The legislative search was conducted using AustLII Databases developed by the University of NSW and the University of Technology, Sydney.

See: <http://austlii.edu.au>

The databases searched were those relating to State Legislation and included:

- SA Consolidated Legislation
- SA Consolidated Regulations
- Environmental Resources and Development Court of South Australia

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Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

INTRODUCTION

This document has been produced by Geoscience Australia in support of the work activities of the ICSM Tidal Interface Working Group.

It is an attempt to document the current use of the major terms used to describe the "coastline" in Commonwealth legislation.

The approach taken to develop this document was initially based on the work of Peter Todd, DNR - Qld.

The terms analysed in this document were selected on the basis of their importance to Commonwealth responsibilities. So for instance Australia's maritime boundaries are computed based on the line of lowest astronomical tide. The full list of terms analysed is:

- Lowest Astronomical Tide (LAT)
- Highest Astronomical Tide (HAT)
- Mean Low Water (MLW)
- Low Water
- Mean High Water (MHW)
- Mean High Water Springs (MHWS)

The information collated for each term tries to answer the following questions:

How is the term used in the Commonwealth?

What is the technical definition of the term?

Is there a legal definition for the term either in a legal dictionary or through case law?

Is the term defined in the actual legislation?

How and how often is the term used in legislation?

The legislative search was conducted using SCALEplus which is the legal information retrieval system owned by the Australian Attorney-General's Department. More information about the method of the search is contained in the appendix to this document.

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Lowest Astronomical Tide (LAT)

Primary Use in Commonwealth: Hydrographic charting & definition of Australia's maritime boundaries.

Spatial Object Construct: Primitive

Technical Definition: The lowest level which can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions; this level will not be reached every year. LAT is not the extreme level which can be reached, as storm surges may cause considerably lower levels to occur.

Source: Australian National Tide Tables

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Commonwealth legislation.

Use in legislation:

- a) "Note: Generally the baseline is the lowest astronomical tide along the coast but it also includes lines enclosing bays and indentations that are not bays and straight baselines that depart from the coast." (*Environment Protection And Biodiversity Conservation Act 1999- Sect 227*)
- b) "Note 1: For the "baseline" see Australia's territorial sea baseline (AGPS) 1988: generally the baseline is the lowest astronomical tide along the coast but it also includes lines enclosing bays and indentations that are not bays and straight baselines that depart from the coast." (*Offshore Minerals Act 1994 No. 28, 1994 - Sect 13*)
- c) "the removal of the beach on the eastern side of the existing North-South runway and deepening of that area to a level below the lowest astronomical tide;" (*1992 No. 255 Federal Airports Corporation Regulations - Schedule 2*)

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Highest Astronomical Tide (HAT)

Primary Use in Commonwealth: Hydrographic charts

Spatial Object Construct: Primitive

Technical Definition: The highest level which can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions; this level will not be reached every year. HAT is not the extreme level which can be reached, as storm surges may cause considerably higher levels to occur.

Source: Australian National Tide Tables

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Commonwealth legislation.

Use in legislation:

"a line that is everywhere 5 kilometres inland (measured at right angles) of the line of the highest astronomical tide (that is, the highest tide that, under average meteorological conditions, can occur under any astronomical circumstances);" (*Great Barrier Reef Marine Park (Aquaculture) Regulations 2000 Reg 9*)

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Mean Low Water (MLW)

Primary Use in Commonwealth: Generally the landward limit of a maritime administrative area.

Spatial Object Construct: Primitive

Technical Definition: A tidal level. The average of all low waters observed over a sufficiently long period.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Related:

Low water (LW): The lowest level reached by the water during one tidal cycle. Also called low tide. Also see note below.

Mean Low Water Neaps (MLWN): A tidal level. The average of all low water observations at the time of neap tide over a period of time (preferably 19 years). Applicable in semi-diurnal waters only.

Mean Low Water Springs (MLWS): A tidal level. The average of all low water observations at the time of spring tide over a period of time (preferably 19 years). Applicable in semi-diurnal waters only.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Legal Definition (Legal dictionary or case law):

Low water mark defined in Butterworths Australian Legal Dictionary. (as advised by John VanderNiet, Tas)

Defined in legislation:

No definition found in search of Commonwealth legislation.

Use in legislation:

40 documents found on search of "mean low water".

Generally used in context of "the coastline at mean low water mark".

Petroleum (Submerged Lands) Act 1967- Sect Area That Includes The Adjacent Area In Respect Of Victoria

1994 No. 388 World Heritage Properties Conservation Regulations (Amendment) - Reg 3 3. New Schedule 2d

1993 No. 293 Fishing Levy (Northern Shark Fishery) Regulations - Schedule

Fisheries Management Amendment Regulations 2000 (No. 6) 2000 No. 339schedule 1 Amendments

Fisheries Management Amendment Regulations 1999 (No. 1) 1999 No. 22 - Schedule

Fisheries Management Regulations 1992schedule 6 Catch Limits - Victorian, South Australian And Tasmanian Waters

Petroleum (Submerged Lands) Act 1967- Sect 5a Adjacent Areas

Territories Law Reform Act 1992 No. 104 Of 1992 - Schedule 4

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Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Petroleum (Submerged Lands) Amendment Act 1984 No. 166, 1984 - Sect 28 Insertion Of New Schedule
Torres Strait Treaty (Miscellaneous Amendments) Act 1984 No. 22 Of 1984 - Sect. 24. Schedule 2
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982 No. 80 Of 1982 - Schedule 10
Petroleum (Submerged Lands) Amendment Act 1980 No. 80, 1980 - Sect. 59. Amendments To Schedule 2
Great Barrier Reef Marine Park Act 1975 No. 85 Of 1975 - Schedule
Primary Industries And Energy Legislation Amendment Act (No. 1) 1998 No. 102, 1998 - Schedule 1 Amendment Of Acts
Territories Law Reform Act 1992 - Schedule 4
Petroleum (Submerged Lands) Act 1967schedule 6-Area That Includes The Area To Be Avoided
Petroleum (Submerged Lands) Act 1967- Sect Area That Includes The Adjacent Area In Respect Of The Northern Territory
Petroleum (Submerged Lands) Act 1967- Sect Area That Includes The Adjacent Area In Respect Of New South Wales
Fisheries Management (South East Trawl Fishery) Regulations 1998 No. 217 - Schedule 3
1996 No. 317 Fisheries Management Regulations (Amendment) - Schedule
Petroleum (Submerged Lands) Amendment Act 1980 No. 80, 1980 - Sect. 7.
Fisheries Management (South East Trawl Fishery) Regulations - Schedule 3
Great Barrier Reef Marine Park Amendment Regulations 2001 (No. 4) 2001 No. 307
Border Protection Legislation Amendment Bill 1999revised Explanatory Memorandum
Border Protection Legislation Amendment Bill 1999
Environment And Heritage Legislation Amendment Bill 1999
Great Barrier Reef Marine Park Amendment Regulations 2001 (No. 4)2001 No. 307schedule 2 Amendments Commencing On 1 January 2004
Great Barrier Reef Marine Park Amendment Regulations 2001 (No. 4)2001 No. 307schedule 1 Amendments Commencing On Gazettal
1981 No. 108 Great Barrier Reef Marine Park (Capricornia Section) Regulations - Reg 9
Offence Relating To Discharge Of Waste From An Aircraft Or A Vessel
Offshore Minerals Act 1994 No. 28, 1994 - Sect 14 External Territory Offshore Areas
Migration Laws Amendment Act 1993 No. 59, 1993 - Sect 22 Interpretation
Migration Reform Act 1992 No. 184, 1992 - Sect 4 Interpretation
Sea Installations Act 1987 No. 102 Of 1987 - Sect 5 Adjacent Areas
Petroleum (Submerged Lands - Miscellaneous Amendments) Act 1981 No. 79, 1981 - Sect. 10. Adjacent Areas
Great Barrier Reef Marine Park Regulations 1983- Reg 45a Discharge Of Sewage
Migration Act 1958- Sect 5 Interpretation
Migration Reform Act 1992 - Sect 4 Interpretation
Offshore Minerals Act 1994- Sect 14 External Territory Offshore Areas
Sea Installations Act 1987- Sect 5 Adjacent Areas

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Low Water

Primary Use in Commonwealth: Term used in the United Nations Convention on the Law of the Sea (UNCLOS) and replicated in domestic legislation. Also used to describe the landward limit of a Commonwealth maritime administrative area which extends to the limit of a State or Territory.

Spatial Object Construct: Primitive

Technical Definition: The lowest level reached by the water during one tidal cycle. Also called low tide.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Related:

Mean Low Water (MLW): A tidal level. The average of all low waters observed over a sufficiently long period.

Mean Low Water Neaps (MLWN): A tidal level. The average of all low water observations at the time of neap tide over a period of time (preferably 19 years). Applicable in semi-diurnal waters only.

Mean Low Water Springs (MLWS): A tidal level. The average of all low water observations at the time of spring tide over a period of time (preferably 19 years). Applicable in semi-diurnal waters only.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Legal Definition (Legal dictionary or case law):

Low water mark defined in Butterworths Australian Legal Dictionary (as advised by John VanderNiet, Tas)

The common law rule that the territory ended at low water mark was established in *R v Keyn* (2 Ex. Div. 63) in 1876, by a majority of seven judges out of a court comprising thirteen. (Imperial).

This led to the passing of the "Territorial Waters Jurisdiction Act 1878" (Imperial) in which is defined:

"The territorial waters of Her Majesty's dominions", in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions:

(This note supplied by Peter Todd, DNR - Qld)

Defined in legislation:

"low-water" means Lowest Astronomical Tide. (*Commonwealth of Australia Gazette S29 of 9 February 1983*)

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Use in legislation:

83 documents found on search of "low water" <not> "mean low water".

Generally used in context of "the coastline at low water" or "low water mark".

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976 No. 191 Of 1976 - SCHEDULE 1

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976 Schedule 1 FISHERIES MANAGEMENT AMENDMENT REGULATIONS 2000 (NO. 2) 2000 NO. 92 Schedule 1 Amendments

FISHERIES MANAGEMENT REGULATIONS 1992 Schedule 1A Area Of Fisheries 1989 No. 420 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION REGULATIONS (AMENDMENT) - REG 6

ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION REGULATIONS (AMENDMENT) 1998 No. 2 - REG 3 3. Schedule 4 (Community Areas In Relation To Local Aboriginal Communities In Victoria)

ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION Regulationsschedule 4 Community Areas In Relation To Local Aboriginal Communities In Victoria

TORRES STRAIT FISHERIES AMENDMENT REGULATIONS 1999 (No. 1) 1999 No. 51 - SCHEDULE

1992 No. 456 FISHING LEVY (SOUTH EAST FISHERY) REGULATIONS - SCHEDULE 3

TORRES STRAIT FISHERIES REGULATIONS 1985 Schedule 2 Short Methods Of Reference To Certain Areas Of Australian Jurisdiction

1995 No. 126 FISHING LEVY (EAST COAST TUNA FISHERY) REGULATIONS - SCHEDULE 3

1994 No. 418 FISHING LEVY (SOUTH EAST FISHERY) REGULATIONS - SCHEDULE 3

1985 No. 9 TORRES STRAIT FISHERIES REGULATIONS - SCHEDULE 2

FISHERIES MANAGEMENT REGULATIONS (AMENDMENT) 1997 No. 186 - REG 9 9. Schedule 1A, Part 3 (Area Of The Eastern Tuna And Billfish Fishery)

MARITIME LEGISLATION AMENDMENT ACT 1994 No. 20, 1994 - SCHEDULE 2

SEAS AND SUBMERGED LANDS ACT 1973 Schedule-Parts II, V And VI Of The United Nations Convention On The Law Of The Sea

Australian Treaty Series 1994 No 31 - United Nations Convention On The Law Of The Sea

1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 13

SEAS AND SUBMERGED LANDS ACT 1973 No. 161, 1973 - SCHEDULE 1 Convention On The Territorial Sea And The Contiguous Zone

1992 No. 121 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION REGULATIONS (AMENDMENT) - REG 4 4. Schedule 4 (Community Areas In Relation To Local Aboriginal Communities)

1995 No. 126 FISHING LEVY (EAST COAST TUNA FISHERY) REGULATIONS - SCHEDULE 2

Aboriginal Land Rights Legislation Amendment Act 1982 No. 16 Of 1982 - SECT. 11. Schedule 1

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Torres Strait Fisheries Act 1984 No. 23 Of 1984 - SCHEDULE 1
DARWIN LANDS ACQUISITION ACT 1945 - THE SCHEDULE
TORRES STRAIT FISHERIES ACT 1984 Schedule-Treaty Between Australia And The Independent State Of Papua New Guinea Concerning Sovereignty And Maritime Boundaries In The Area Between The Two Countries, Including The Area Known As Torres Strait, And Related Ma
Australian Treaty Series 1985 No 4 - Treaty Between Australia And The Independent State Of Papua New Guinea Concerning Sovereignty And Maritime Boundaries In The Area Between The Two Countries, Including The Area Known As Torres Strait, And Related Matter
Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002 First Reading
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 14
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 12
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 11
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 10
GREAT BARRIER REEF MARINE PARK AMENDMENT REGULATIONS 2002 (NO. 1) 2002 No. 72 Schedule 1 Amendments
GREAT BARRIER REEF MARINE PARK AMENDMENT REGULATIONS 2001 (NO. 3) 2001 No. 197 Schedule 1 Amendments
GREAT BARRIER REEF MARINE PARK AMENDMENT ACT 1978 No. 140 Of 1978 - SCHEDULE 1
GREAT BARRIER REEF MARINE PARK REGULATIONS 1983 Schedule 8
Compulsory Pilotage Area
GREAT BARRIER REEF MARINE PARK REGULATIONS 1983 Schedule 1A Mission Beach Trawl Closure Area
GREAT BARRIER REEF MARINE PARK ACT 1975 Schedule 1
Industrial Chemicals (Notification And Assessment) Amendment Regulations 2002 (No. 1) 2002 No. 58
Native Title Amendment Bill 1997
Native Title Amendment Bill 1997
Native Title Amendment Bill 1997 First Reading
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 9
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 8
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 7
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 6
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 5
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 4
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 3
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1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 2
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SCHEDULE 1
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT REGULATIONS 2002 (No. 1)2002 No. 58Schedule 1 Amendments Commencing On Gazettal
FISHERIES MANAGEMENT AMENDMENT REGULATIONS 2000 (NO. 1)2000 No. 56Schedule 1 Amendments
NATIVE TITLE AMENDMENT ACT 1998 No. 97, 1998 - Schedule 2 Amendments Relating To Applications, Registration Of Claims Etc.
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) REGULATIONS 1990- REG 4F Synthetic Polymer Of Low Concern - Low Water Solubility (Act S 5)
NATIVE TITLE AMENDMENT ACT 1998Schedule 2-Amendments Relating To Applications, Registration Of Claims Etc.
NATIVE TITLE ACT 1993- SECT 253 Other Definitions
Northern Prawn Fishery Management Plan 1995
Norfolk Island (Exercise Of Powers) Regulations (Amendment) 1992 No. 164
Petroleum (Submerged Lands) (Pipelines) Regulations 2001 2001 No. 314
Great Barrier Reef Marine Park (Aquaculture) Regulations 2000 2000 No. 6
Petroleum (Submerged Lands) (Management Of Environment) Regulations 1999 1999 No. 228
Native Title Amendment Bill 1996
1983 No. 148 GREAT BARRIER REEF MARINE PARK (PROHIBITION OF DRILLING FOR PETROLEUM) REGULATIONS - SECT. 3. Interpretation
1993 No. 35 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) REGULATIONS (AMENDMENT) - REG 3 3. New Regulation 4A
1992 No. 164 NORFOLK ISLAND (EXERCISE OF POWERS) REGULATIONS (AMENDMENT) - REG 4 4. Regulation 3 (Addition Of Items To Schedule 2 To The Norfolk Island Act 1979)
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT ACT (No. 2) 1992 No. 214 Of 1992 - SECT 3 Interpretation
QUARANTINE AMENDMENT ACT 1981 No. 54, 1981 - SECT. 15. Vessels To Enter Certain Ports
NAVIGATION AMENDMENT ACT 1979 No. 98, 1979 - SCHEDULE 3
SEAS AND SUBMERGED LANDS ACT 1973 No. 161, 1973 - SECT. 9. Charts Of Limits Of Territorial Sea.
NORFOLK ISLAND (EXERCISE OF POWERS) REGULATIONS- REG 3 Addition Of Items To Schedule 2 To The Norfolk Island Act 1979
NORFOLK ISLAND ACT 1979Schedules
NAVIGATION ACT 1912Schedule 1-International Convention For The Safety Of Life At Sea, 1974
SEAS AND SUBMERGED LANDS ACT 1973- SECT 9 Charts Of Limits Of Territorial Sea
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) ACT 1989- SECT 5 Interpretation
Australian Treaty Series 1991 No 47 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

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Australian Treaty Series 1992 No 42 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

Australian Treaty Series 1993 No 41 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

Australian Treaty Series 1994 No 38 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

Australian Treaty Series 1996 No 11 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

Australian Treaty Series 1997 No. 17 - Subsidiary Agreement Between The Government Of Australia And The Government Of Japan Concerning Japanese Tuna Long-Line Fishing

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Mean High Water (MHW)

Primary Use in Commonwealth: Depiction of the coastline for topographic mapping.
Common law boundary.

Spatial Object Construct: Primitive

Technical Definition: A tidal level. The average of all high waters observed over a sufficiently long period.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Related:

Mean High Water Neaps (MHWN): A tidal level. The average of all high water observations at the time of neap tide over a period time (preferably 19 years). Applicable in semi-diurnal waters only.

Mean High Water Springs (MHWS): A tidal level. The average of all high water observations at the time of spring tide over a period time (preferably 19 years). Applicable in semi-diurnal waters only.

Note: MHWS is used to depict the coastline on hydrographic charts.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Legal Definition (Legal dictionary or case law):

High water mark defined in Butterworths Australian Legal Dictionary. (as advised by John VanderNiet, Tas)

Defined in legislation:

No definition found in search of Commonwealth legislation.

Use in legislation:

6 documents found on search of "mean high water".

Example of usage is "the landward side of the mean high water mark of the sea"

A New Tax System (Goods And Services Tax) (Exempt Taxes, Fees And Charges) Determination 2002

A New Tax System (Goods And Services Tax) (Exempt Taxes, Fees And Charges) Determination 2001 (No. 2)(Volume 1)

Native Title Amendment Bill 1997 First Reading

Native Title Amendment Act 1998 No. 97, 1998 - Schedule 1 Amendments Relating To Acts Affecting Native Title Etc.

Native Title Amendment Act 1998 schedule 1-Amendments Relating To Acts Affecting Native Title Etc.

Native Title Act 1993- Sect 26 When Subdivision Applies

Tidal Interface - Analysis of Legal Entities - Commonwealth Perspective

Legal Entity: Mean High Water Springs (MHWS)

Primary Use in Commonwealth: Depiction of the coastline for hydrographic charting.

Spatial Object Construct: Primitive

Technical Definition: The height of MHWS is the average, throughout a year when the average maximum declination of the moon is 23.5° , of the heights of two successive high waters during those periods of 24 hours (approximately once a fortnight) when the range of the tide is greatest.

Source: Australian National Tide Tables

or

A tidal level. The average of all high water observations at the time of spring tide over a period time (preferably 19 years). Applicable in semi-diurnal waters only.

Source: AHS Tidal Glossary at <http://www.hydro.gov.au/>

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Commonwealth legislation.

Use in legislation:

No use of this term found.

APPENDIX

Method of legislative search

The legislative search was conducted using SCALEplus which is the legal information retrieval system owned by the Australian Attorney-General's Department.

See <http://scaleplus.law.gov.au/home.htm>

The databases searched were those relating to Commonwealth Legislation and included:

- Acts - Current Consolidations
- Numbered Acts 1973+
- Statutory Rules - Current Consolidations
- Numbered Statutory Rules 1979+
- Explanatory Statements of Statutory Rules
- Instruments made under legislation
- Bills 1996+
- Explanatory Memoranda for Bills 1996+
- Australian Treaties Library

It should be noted that there are also a number of Commonwealth of Australia Gazettes which relate to the description of maritime boundaries and the coastline. The prime example being the definition of the territorial sea baseline for areas other than the external territories, including the straight baseline end points, which have been defined by proclamation published in the *Commonwealth of Australia Gazette S29 of 9 February 1983*. These are not able to be searched via the internet.

ICSM Tidal Interface Working Group

Input from Commonwealth legislation

Terms used other than 'key terms'			
	Key Terms:	1. MHWS (and MHHW)	
		2. MHW	
		3. MSL (possibly)	
		4. MLWS (and MLLW)	
		5. MLW	
		6. LAT.	
Other Term	Defn	Perceived Intent	Key Term
EG Coastline	Not given	Used to define landward	MLW
		limit of a public area	
Coastline	Not defined. Only occasionally used on its own. Usually used in conjunction with clarifier such as ' <i>coastline at mean low water</i> '.	To differentiate between the land and the water. Not necessarily being used to describe a tidal plane.	Use of clarifier with the term may be best option.
Highest Astronomical Tide	<i>'the line of the highest astronomical tide (that is, the highest tide that, under average meteorological conditions, can occur under any astronomical circumstances);'</i>	As per definition.	HAT
Shoreline	Not defined. Example of use is ' <i>on the surface of the water or on adjoining shorelines</i> '	The dry bit that immediately abuts the water.	Not applicable?? The term is not being used to describe a tidal plane but rather simply the feature.

7 Feb 03

Tidal Interface - Analysis of Legal Entities - New Zealand Perspective

New Zealand Legislation – Terms and Definitions for Coastlines

Term	Act	Definition
Area	United Nations Convention on the Law of the Sea Act 1996	Area means the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction:
Area	Marine Farming Act 1971	Area means any part of— (a) The sea bed vertically below an area of the surface of— (i) The territorial sea of New Zealand []; or (ii) The internal waters of New Zealand as defined by section 4 of [the Territorial Sea[, Contiguous Zone,] and Exclusive Economic Zone Act 1977]; or (b) The foreshore of the coast of New Zealand;— and includes any water at any material time upon or vertically above any such part:
Bay	Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977	Bay means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation (for the purposes of which definition— (a) The area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-watermarks of its natural entrance points; and (b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and (c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation):
Coastal	Maritime Transport Act 1994	Coastal or inland waters means New Zealand waters:
Coastal Area	Hauraki Gulf Marine Park Act 2000	coastal area means those areas of land (other than islands) that contribute to the distinctive character of the coast, including, but not limited to,— (a) land providing access to coastal water; or (b) land containing an uninterrupted ecological sequence of habitats and vegetation; or

Tidal Interface - Analysis of Legal Entities - New Zealand Perspective

		(c) land with historic features related to the coast
Coastal Marine Area	Resource Management Act 1991 Hauraki Gulf Marine Park Act 2000	coastal marine area means the foreshore, seabed, and coastal water, and the air space above the water,— (a) of which the seaward boundary is the outer limit of the territorial sea; (b) of which the landward boundary is the line of mean high water springs, except that, where that line crosses a river, the landward boundary at that point is the lesser of— (i) 1 kilometre upstream from the mouth of the river; or (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5
Coastal Marine Area	Ngai Tahu Settlement Act 1998	Coastal marine area has the same meaning as in section 2 of the Resource Management Act 1991:
Coastal Marine Area	Fisheries Act 1996	coastal marine area and coastal permit have the meanings given to those terms by section 2(1) of the Resource Management Act 1991:
Coastal Marine Area	Local Government Act 1974	In this section, the term “coastal marine areas” has the meaning given to it by section 2(1) of the Resource Management Act 1991.]
Coastal Marine Area	Maritime Protection Rules	Coastal marine area" means the foreshore, seabed, and coastal water, and the air space above the water-- (a) of which the seaward boundary is the outer limits of the territorial sea; (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of-- (i) one kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5:
Coastal state	Maritime Protection Rules	Coastal state" means the country whose land is adjacent to those areas of the sea over which it exercises, or is entitled to exercise, jurisdiction for the purposes of marine environment protection, as provided for in international law:
Coast Water	Resource Management Act 1991	coastal water means seawater within the outer limits of the territorial sea and includes— (a) Seawater with a substantial fresh water component; and (b) Seawater in estuaries, fiords, inlets, harbours, or embayments:

Tidal Interface - Analysis of Legal Entities - New Zealand Perspective

Coast Water	Hauraki Gulf Marine Park Act 2000	coastal water means the water within the coastal marine area
Coastal Waters	Ship Registration Act 1992 Shipping and Seamen Act 1952	Coastal waters means— (a) All waters within the exclusive economic zone of New Zealand; and (b) The territorial sea of New Zealand; and (c) The internal waters of New Zealand:
Continental Shelf	Antarctica (Environmental Protection) Act 1994	Continental shelf means the seabed and subsoil of those submarine areas that extend throughout the natural prolongation of land to the outer edge of the continental margin, as determined in accordance with international law, or to a distance of 200 nautical miles where the outer edge of the continental margin does not extend to that distance:
Continental Shelf	Continental Shelf Act 1964	continental shelf means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of New Zealand, throughout the natural prolongation of the land territory of New Zealand, to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (as described in sections 5 and 6 [and 6A] of the Territorial Sea[, Contiguous Zone] and Exclusive Economic Zone Act 1977) where the outer edge of the continental margin does not extend to that distance:
Continental Shelf	Income Tax Act 1994	continental shelf has the same meaning as in the Continental Shelf Act 1964:
Continental Shelf	Injury, Prevention, Rehabilitation, and Compensation Act 2001	continental shelf has the meaning given to it in section 2(1) of the Continental Shelf Act 1964:
Continental Shelf	Maritime Crimes Act 1999	Continental shelf has the same meaning as in section 2(1) of the Continental Shelf Act 1964:
Continental Shelf	Maritime Transport Act 1994	Continental shelf or continental shelf of New Zealand has the same meaning as in the Continental Shelf Act 1964:
Designated Area	Wildlife Act 1953	Designated area means all that area contained within a distance of 100 metres from the margin of any waters together with the area covered by those waters:
Designated Shore	Civil Aviation Regulation 2002	Designated shore line means the general contour of the coastline omitting promontories and bays less than 30 miles across:
Foreshore	Conservation Act 1987	foreshore means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at mean spring tides:
Foreshore	Crown Minerals Act 1981	foreshore means any land covered and uncovered by the flow and ebb of the tide

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	Resource Management Act 1991	at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area:
Foreshore	Foreshore and Seabed Endowment Revesting Act 1991 Forest and Rural Fires Act 1977 Hauraki Gulf Marine Park Act 2000	Foreshore means such parts of the bed, shore, or banks of the sea or a river as are covered and uncovered by the flow and ebb of the tide at mean spring tides:
Foreshore	Reserves Act 1977	Foreshore means all land lying between the high-water mark of the sea at ordinary spring tides and its low-water mark at ordinary spring tides:
Foreshore	Tokelau Act 1977	Foreshore means all land lying between the high-water line and the low-water line:
Foreshore	Harbours Act 1950	Tidal lands or foreshore means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:
High Seas	Submarines Cables and Pipelines Protection Act 1996	high seas means all parts of the sea that are not included in the territorial sea or in the internal waters of a country:
Internal waters of New Zealand	Driftnet Prohibition Act 1991 Fisheries Act 1996 Immigration Act 1987 Maritime Transport Act 1984 Resource Management Act 1991	internal waters of New Zealand means the internal waters of New Zealand as defined by section 4 of the Territorial Sea[, Contiguous Zone] and Exclusive Economic Zone Act 1977:
Internal waters of New Zealand	Marine pollution Act 1974	Internal waters of New Zealand means— (a) Harbours, estuaries, and other areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand; and (b) Rivers and other inland waters of New Zealand that are navigable by ships:
Low Tide Elevation	Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977	low-tide elevation means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides:
New Zealand Continental Waters	Maritime Transport Act 1984	New Zealand continental waters means— (a) New Zealand marine waters; and (b) The waters beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand:

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New Zealand Marine Waters	Maritime Transport Act 1984 Ship Registration Act 1992	New Zealand marine waters means— (a) The territorial sea of New Zealand; and (b) The waters of the exclusive economic zone of New Zealand:
New Zealand Waters	Maritime Transport Act 1984	New Zealand waters means— (a) The territorial sea of New Zealand; and (b) The internal waters of New Zealand; and (c) All rivers and other inland waters of New Zealand:
New Zealand Waters	Marine pollution Act 1974	New Zealand waters means— (a) The internal waters of New Zealand; and (b) The territorial sea of New Zealand; and (c) The waters of the exclusive economic zone of New Zealand (as described in section 9 of the Territorial Sea[, Contiguous Zone,] and Exclusive Economic Zone Act 1977):
New Zealand Territorial Waters	Admiralty Act 1973	New Zealand territorial waters means all waters within the outer limits of [the territorial sea of New Zealand (as defined in section 3 of the Territorial Sea[, Contiguous Zone] and Exclusive Economic Zone Act 1977)]; and includes the waters of any lake, river, or stream:
Open Coastal Water	Resource Management Act 1991	Open coastal water means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments:
Sea	Maritime pollution Act 1998	Sea means all areas of the sea (whether New Zealand waters or not); and includes any estuary or arm of the sea:
Sea Level	Manapouri-Ta Anau Development Act 1963	Sea level means mean sea level at Deep Cove:
Shore	Water Recreation Regulation 1979	Shore includes, in relation to a river, any bank of the river:
Territorial Sea	Antarctica (Environmental Protection) Act 1994 Crown Minerals Act 1991 Environment Act 1986 Fisheries Act 1996 Immigration Act 1987 Maritime Transport Act 1994 New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	territorial sea means the territorial sea of New Zealand as provided for in section 3 of the Territorial Sea[, Contiguous Zone] and Exclusive Economic Zone Act 1977.

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	New Zealand Superannuation Act 2001 Resource Management Act 1991 Maritime pollution Act 1998 Shipping and Seamen Act 1952	
Territorial Waters	Crimes Act 1961	Territorial waters, in relation to any country [other than New Zealand], means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the commencement of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships:
Tidal Lands	Fisheries Act 1983	tidal lands means such areas of land as are covered and uncovered by the effect of ordinary spring tides:
Tidal Lands	River Boards Act 1908 Soil Conservation and Rivers Control Act 1941	Tidal lands means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:
Tidal Lands	Harbours Act 1950	Tidal lands or foreshore means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:
Tidal Water	Fisheries Act 1983	tidal water means such part of the sea or of a river or creek as is within the effect of ordinary spring tides:
Tidal Water	River Boards Act 1908 Soil Conservation and Rivers Control Act 1941 Harbours Act 1950 Shipping and Seamen Act 1952	Tidal water means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring-tides:
Tidal Water	Maritime Transport Act 1994	Tidal water means— (a) Any part of the sea: (b) Any part of a river within the ebb and flow of the tide at mean spring tides:
Tidal Water	Auckland Metropolitan Drainage Act 1960	Tidal waters means all those waters which ebb and flow over any part of the sea bed or of a river estuary, creek bed, or tidal basin:

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NORTHERN TERRITORY LEGISLATION - INTERTIDAL TERMINOLOGY ANALYSIS

Intertidal Term	Legislative Reference	Legal Definition	Percieved Intent	Standard Key Term
<p><i>Searchable key words such as:</i></p> <p><i>Coastline</i> <i>Beach</i> <i>Foreshore</i> <i>etc</i></p>	<p><i>Act / Regulation</i> <i>Part / Division / Section</i> <i>Clause / Regulation</i> <i>Schedule</i></p>	<p><i>Legal definition if provided in the legislation OR an extract from the legislation that para-phrases the definition or context within which it is used</i></p>	<p><i>Plain English interpretation of what the intent of using the key word was.</i></p>	<p><i>Recommendation as to whether the intent can be mapped to one of the standard terms or something else:</i> <i>HAT</i> <i>MHWS</i> <i>MHW</i> <i>MSL</i> <i>MLW</i> <i>MLWS</i> <i>LAT</i> <i>TSB</i></p>
<p>Adjacent Area</p>	<p>NT Petroleum (Submerged Lands) Act. Sec. 4</p>	<p>"adjacent area" means, subject to subsection (2), so much of the area the boundary of which is described in Schedule 3 as is part of the territorial sea of Australia, including the territorial sea adjacent to any island forming part of the Territory, and includes, subject to subsection (3), an area which –</p> <p>(a) is within the area the boundary of which is described in Schedule 3;</p> <p>(b) is seaward of the coastline of the Territory at mean low water and landward of the inner limit of the territorial sea of Australia; and</p>	<p>Schedule 3 describes an area between WA and QLD borders and between the MLW coastline and a set of geodesic and rhumb lines as defined by prescribed coordinates. 'adjacent area' is only those parts of Schedule 3 that are either part of the Territorial Sea or waters landward of the inner limit of the Territorial Sea (TSB) to the MLW coast line.</p> <p>Note: Schedule 2 coordinates of the 1967</p>	<p>MLW</p>

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		(c) was, immediately before the commencement of this Act, the subject of an exploration permit for petroleum subsisting under the Commonwealth Act;	Commonwealth Act are the same as Schedule 3 of the corresponding NT Act. However, the definitions of 'adjacent area' in each Act is different.	
Adjacent Area	Petroleum (Submerged Lands) Act 1967. Sec.5A	s 5A Adjacent Area: Subsection (1A): For the purposes of this Act but subject to subsections (2) and (10), the adjacent area in respect of WA or the NT is so much of the area described in Schedule 2 under the heading that refers to that state or Territory as comprises waters of the sea that: (a) are not within the outer limits of the territorial sea of Australia (including the territorial sea adjacent to any island forming part of Australia); and (b) are within the outer limits of the continental shelf; and (b) are not within Area A of the Zone of Cooperation.	Schedule 2 describes an area between WA and QLD borders and between the MLW coastline and a set of geodesic and rhumb lines as defined by prescribed coordinates. Definition of adjacent areas then excludes from this area the waters: (a) within the outer limit of the territorial sea, (b) outside the outer limits of the Continental Shelf, (b) within Area A of the Zone of Cooperation.	MLW and TSB (LAT)
			Note: Schedule 2 coordinates of the 1967 Commonwealth Act are the same as Schedule 3 of the corresponding NT Act. However, the definitions of 'adjacent area' is	

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each Act is different.

Baseline	Fisheries Regulations. Reg. 3 (1)	"baseline" means the territorial sea baseline of the Territory declared under the Seas and Submerged Lands Act 1973 of the Commonwealth by Proclamation published in Commonwealth Gazette No. S29 on 9 February 1983 (as amended);	Use Commonwealth TSB (LAT) Gazetted territorial sea baseline to define an imaginary line 3 or 12 nml seaward as an outer or inner limit of a Coastal Region or restricted activity.
Baseline	Business Franchise Regulations. Reg. 4AB	"baseline" means the territorial sea baseline of the Territory declared under the Seas and Submerged Lands Act 1973 of the Commonwealth by Proclamation published in Commonwealth Gazette No. S29 on 9 February 1983 (as amended);	Use Commonwealth TSB (LAT) Gazetted territorial sea baseline to define an imaginary line 3nml seaward as an outer limit of the "Carpentaria Region".
Coast	Prevention of Pollution of Waters of Oil Act. Sec.3	No definition. Context: "the jurisdiction" means the sea lying within one nautical <u>league</u> of the coast of the Northern Territory, and includes the ports and tidal waters and the navigable inland waters of the Northern Territory.	All tidal waters within MHW one nautical 'league' (undefined) from the coast (undefined) and all navigable inland waters of the NT which may include non tidal waters of rivers, lakes and

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billabongs.

Coast	Litter Act	No definition. Context: "public place" means - (c) water in, and off the coast of, the Northern Territory that is open to or used by the public;	All NT waters open to or used by the public
Coastal Foreshores	Mining Act. Sec.30	No definition Context: 1(f) "the protection of coastal foreshores"	Used to describe an MLW area to be protected by the Act. Assume MLW definition from Coastal Waters Act
Coastal Sea	Criminal Law (Offences At Sea) Act. Sec 1	"coastal sea" means - (a) the territorial sea adjacent to the Territory; and (b) the sea on the landward side of the territorial sea adjacent to the Territory that is not within the limits of the Territory.	All Territory waters to the outer limit of the Australian Territorial Sea as defined by TSB TSB (LAT)
Coastal Waters	Coastal Waters (Northern Territory Powers) Act 1980	"coastal waters of the Territory" means: (a) the part or parts of the territorial sea of Australia that is or are within the adjacent area (Petroleum (Submerged Lands) Act in respect of the Territory, other than any part referred to in subsection 4 (2); and (b) any sea that is on the landward side of any part of the territorial sea of Australia and is within the adjacent area in respect of the Territory but is not within the limits of the Territory:	That part of the territorial sea of Australia no further than 3 nmls from the Australian territorial sea base line and the internal waters of Australia between the MLW coastline and the landward limit of the territorial sea of Australia excluding the inland waters of the NT contained within the limits of the NT. MLW

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Coastal Waters	Mining Act. Sec.4	No definition. Context: "Environment (f) the land and the coastal waters and sea-bed adjacent thereto"	Used to describe a part of the "environment" to be controlled by the Act. Assume MLW definition from Coastal Waters Act.	MLW
Coastal Waters	Pearl Oyster Culture Industry Management Plan. Sec 9	No definition Context: In this clause, "waters relevant to the Territory" means coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the Petroleum (Submerged Lands) Act 1967 of the Commonwealth under the heading "Area that includes the Adjacent Area in respect of the Northern Territory".	Interpreted as the coastal waters between MLW and the 3nml limit based on LAT, and the waters seaward of that 3nml limit that fall both within the Australian Fishing Zone and Schedule 2 waters.	MLW and TSB (LAT)
Coastline	Fisheries Regulations. Reg. 3 (1)	"coastline" means: (a) except in relation to the mouth of a river, an imaginary line drawn along the coast at the Highest Astronomical Tide; or (b) in relation to the mouth of a river, an imaginary line, contiguous with the adjacent coastline, drawn across the mouth of the river.	(a) use HAT so as to include all tidal waters and be a land limit for restricted activity. (b)Unclear, but probably a closure line that follows the general line of HAT along the coast.	HAT
Coastline	Marine (Pleasure Craft) Regulations. Reg. 4	"coastline" means - the coastline at low water mark of the lowest astronomical tide;	Assume this includes all navigable waters to LAT including inland waters	LAT
Foreshore	Port By-Laws Sec. 5B	No definition. Context: (1) (b) "...within the area enclosed by a line from...along the foreshore to 12o27.50'S, 130o49.06'E (Elliot	Unclear. Foreshore is used to define part boundaries of prohibited anchorage areas.	MHW

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Point) thence..."

High Water	Marine (Pleasure Craft) Regulations. Reg. 3	No definition. Context: (b)(ii) " Fannie Bay ...prolongation of the southern boundary of Gregory Street and high water mark;"	Defines a restricted navigation area	MHW
High Water	Port By-Laws Sec. 5B	No definition. Context: (3) "fairway" ".. thence following the high water mark of the western side of Hudson Creek to a point due west of the Tiwi Barge Ramp, thence...."	High water is used to define part boundaries of restricted anchorage areas.	MHW
High Water Line	Harbour Craft By Laws Sec, 14.01	No definition Context: (f) in the waters of the wharves and Frances Bay areas bounded by a line commencing at the High Water Line, due east from the north-east corner of Darwin Town Block No. 4245, due east to the longitude of 130° 51' 10" E, thence..... due north to the High Water Line.	Restricted vessel navigation area which in practical terms is probably MHW	MHW
High Water Mark	Fisheries Regulations. Reg. 3 (1)	"high water mark" means Highest Astronomical Tide;	Use HAT so as to include all tidal waters and be a land limit for Coastal Regions, Coastal Line Fishery Areas, Coastal Net Fishery Areas and restricted activity.	HAT
High Water Mark	Traffic Regulations. Reg.33	No definition. Context: (1) " A person must not drive a motor vehicle on a prescribed beach below high water mark except – "	Prohibit driving vehicles on beaches below HWM except in certain areas.	MHW
High Water Mark	Aboriginal Land Rights (Northern	No definition. Context: "Commencing at a point on high water	Assumed to be MHW and closure lines across rivers,	MHW

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	Territory) Act 1976. Schedule 1	mark of Mountnorris Bay...."	streams and estuaries	
High Water Mark	Marine Act. Sec. 188A	No definition. Context: (1)" A person shall not..erect below the high water mark in or on Northern Territory waters any...".	Used to prohibit the erection of certain things below high water mark.	MHW
High Water Mark	Mud Crab Fishery Management Plan Sec. 4	No definition, Context: 4 (1) 'river closure line' means, in respect of a river specified in Schedule 1, a straight line drawn through the co-ordinates specified in that Schedule for that river so as to intersect with and be on the same plane as the highwater mark of the coast.	If intention is alignment with the Fisheries Act then adopt intersection of HAT with imaginary baseline defined by terminal coordinates across a river mouth to restrict activity upstream	HAT
High Water Mark	Spanish Mackerel Management Plan Sec. 9	No definition. Context: 9(d) use the net other than seaward of the coastline from high water mark to an imaginary line, following the coastline, 3 nautical miles from the low water mark;	If intention is alignment with Fisheries Act then adopt LAT as the baseline for the 3 nml seaward limit	LAT
High Water Mark	Harbour Craft By Laws Sec, 14.01	No definition Context:(b)(ii) Fannie Bay, BETWEEN Dudley Point AND a line drawn to seaward on a 288°(T) bearing from a point at the intersection of the prolongation of the south side of Gregory Street and the high water mark;	Restricted vessel navigation area which in practical terms is probably MHW	MHW

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Inland Waters	Marine Act. Sec. 23	No definition. Context: " Unless expressly provided otherwise... (i) in inland waters; or (ii) in waters of the sea declared pursuant to a law in force in the Territory to be smooth or partially smooth waters within the meaning of clause 5.2 of Section 1 of the Uniform Code"	"inland waters" - refer to Interpretations Act 1900	MLW
Land Area	Mining Act. Sec.13	"land area of the Territory" means the Northern Territory as defined in the Northern Territory Acceptance Act 1910 of the Commonwealth, and includes the internal waters.	Unclear. Attempts to define the NT as including the "mainland", "adjacent islands" and "the bays and gulfs", none of the terms being defined. The 'seaward' limit could be thought of as MLW and closure line across Bays and Gulfs deemed to be "within the jaws" of the land	MLW
Low Water Mark	Fisheries Regulations. Reg. 3 (1)	"low water mark means" Lowest Astronomical Tide;	Use LAT as a 'baseline' to define an imaginary line 2, 3 or 15 nml seaward as the outer limit of Coastal Line Fishery Areas, Coastal Net Fishery Areas or restricted activity.	LAT
Low Water Mark	Barramundi Fishing Management Plan. Schedule 3.	No definition. Context: (b) "...an imaginary line drawn due north from that reference point to the low water mark in Chambers Bay and then westerly along low water mark to a point on the low water mark (that may be indicated by a marker), being a ..."	low water used as a boundary defining Mary River Fish Management Zone	LAT

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Low Water Mark	Tiwi Islands Community Government Scheme. Schedule 3	No definition. Context: Area A Milikapati "Commencing at the centre of the mouth of Kilu-impini Creek at Low Water; thence generally southeasterly, northeasterly, again southeasterly and southwesterly by the Low Water Marks of Timor Sea.."	low water' for Aboriginal lands is MLW and typically used as a boundary defining all seaside Aboriginal Community Government Schemes	MLW
Low Water Mark	Nudity Regulations. Reg. 2, Schedule	No definition.	Seaward boundary of a prescribed area within which nudity is legal	MLW
Low Water Mark	Business Franchise Regulations. Reg. 4AB	No definition. Context: (1) "Carpentaria region" means the area of water bounded byto the point seaward of where the baseline touches the Marchinbar Island and then to the low water mark of the most north easterly point of that island and then...."	Landward boundary of prescribed "Carpentaria Region"	MLW
Low Water Mark	Aboriginal Land Rights (Northern Territory) Act 1976. Schedule 1	No definition. Also associated with 'closure lines' described as "excluding from the said line those parts along the low water marks of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below low water mark of each of the aforesaid straight lines across	Aboriginal Land normally extends to MLW and closure lines across rivers, streams and estuaries	MLW

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each of the aforesaid
intersecting rivers,
streams and estuaries.

Low Water Mark	Mud Crab Fishery Management Plan Sec. 11	No Definition. Context: 11(4)(b) within the area extending seaward from the coast from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark;	If intention is alignment with Fisheries Act then adopt LAT as the baseline for the 3 nml seaward limit	LAT
Low Water Mark	Harbour Craft By Laws Sec, 14.01	No definition Context:(b)(l) "Nightcliff Beach, BETWEEN a point on the foreshore at low water mark on the prolongation of the common boundary of Nightcliff Town Lots 3 and 4 ..."	Restricted vessel navigation area which in practical terms is probably MLW	MLW
Low Water Mark	Public Health (Nuisance Prevention) Regulations. First Schedule	No definition, Context: "...to the intersection with Low Water Mark in Frances Bay; thence generally southerly, ... along the said Low Water Mark to the intersection with"	Defines seaward extent of a Darwin Town Area where cattle, goats and horses cannot be kept.	MLW
Low-water	Cobourg Peninsular Aboriginal Land, Sanctuary and Marine Park Act. Schedule - Cobourg Peninsular Sanctuary	No definition.	Used to define the land limit of the Sanctuary. Probably MLW	MLW

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Mean High Water Mark	Mining Act. Sec.95A	No definition. Context: 2(a) " ...the interest is to be granted in part on an onshore place on the landward side of the mean highwater mark of the sea	MHW is used in s95A to define extractive mineral interests landward and seaward	MHW
Mean High Water Mark	Land Acquisition Act Sec 31B.	No definition. Context: 1(a) " the compulsory acquisition of an interest in land to the extent that the acquisition relates to an onshore place on the landward side of the mean highwater mark of the sea;"	Section 31B defines compulsory acquisition of an onshore interest in land can be 'landward' and 'seaward' of MHW.	MHW
Mean Low Water	Barramundi Fishing Management Plan. Cl. 8	No definition. Context:"Fishery Area" (1) Subject to this Part, a barramundi licensee must not fish under a barramundi licence – (a) landwards of the coast or a river mouth; (b) seawards of an imaginary line 3 nautical miles from the shore at mean low-water mark and parallel to the shore or to any river mouth;	Mean low water mark specifically used as baseline for prohibited area. Note: Where 'low water' or 'high water' is used elsewhere in the plan it refers to LAT or HAT respectively.	MLW
Mean Low Water	NT Petroleum (Submerged Lands) Act. Sec. 4	No definition.	Used to describe the landward limit of "Adjacent Area" in Schedule 3	MLW
Mean Low Water Mark	Marine (Sheltered Waters) Regulations, Notes (2) Waters Declared To Be Partially Smooth	No definition. Context: " to the extent not provided for in paragraph (a), 1 nautical mile seawards from the mean low watermark on the coast (including the coasts of islands) but excluding waters declared to be smooth by..."	Defines the 1 nml seaward limit of waters declared to be partially smooth for the purposes of the Act	MLW

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Northern Territory	Northern Territory Acceptance Act 1910. Sec.4	Northern Territory means that part of Australia which lies to the northward of the twenty-sixth parallel of South Latitude and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of East Longitude, together with the bays and gulfs therein, and all and every the islands adjacent to any part of the mainland within such limits as aforesaid, with their rights, members, and appurtenances	Unclear. Attempts to define the NT as including the "mainland", "adjacent islands" and "the bays and gulfs", none of the terms being defined. The 'seaward' limit could be thought of as MLW and closure line across Bays and Gulfs deemed to be "within the jaws" of the land	MLW
Northern Territory Waters	Marine Act. Sec. 7	"Northern Territory waters" means: (a) the coastal waters of the Territory, within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth; and (b) any other navigable waters that are within the Territory;	Unclear. The Act is for regulating shipping over navigable waters and could practically apply to all waters to MHW	MHW
River Closure Line	Fisheries Regulations. Reg. 3 (1)	"river closure line" means, in relation to a river specified in Schedule 5 of the Barramundi Fishery Management Plan as in force from time to time, means a straight line drawn between the co-ordinates specified in that Schedule for that river;	Imaginary baseline defined by terminal coordinates across a river mouth to restrict activity upstream	

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River Mouth	Barramundi Fishing Management Plan. Cl. 4	"river mouth" includes the body of water delineated – (a) in respect of a river specified in Schedule 5, by the river closure line; and (b) in respect of any other river, by an imaginary line, contiguous with the shape of the adjoining coast, bay or inlet, across a river;	(a) Imaginary baseline defined by terminal coordinates across a river mouth (b) imaginary line across river contiguous with the shape of the 'coast' (undefined)	LAT
Sea	Marine (Pleasure Craft) Regulations. Reg. 3	"sea" includes every arm, estuary or river which is part of the sea and is within the ebb and flow of the tide at ordinary spring tides; "ordinary spring tides" is not defined	All tidal waters between ordinary spring tides. Probably the waters between Mean High Water Spring (MHWS) tides and Mean Low Water Spring (MLWS) tides.	MHWS and MLWS
Sea Coast	Aboriginal Land Rights (Northern Territory) Act 1976. Schedule 4	No definition. Context: Also associated with 'closure lines' described as "but excluding therefrom those parts along the sea coast of all intersecting rivers, streams and estuaries inland from a straight line joining the seaward extremity of each of the opposite banks of each of the said rivers, streams and estuaries so that the aforesaid boundary line shall follow that part below the sea coast of each of the aforesaid straight lines across each of the aforesaid intersecting rivers, streams and estuaries"	Assumed to be MLW and closure lines across rivers, streams and estuaries	MLW

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Sea Coast	Public Health (Nuisance Prevention) Regulations. Second Schedule	No definition. Context: " thence westerly by the northern boundary of Aralia-street, and the prolongation thereof to the sea coast, Timor sea; thence generally north-easterly along the sea coast to a point...."	Unclear. Defines seaward extent of a Darwin Town Area where cattle, goats and horses cannot be kept.	MLW
Seabed	Marine Act. Sec. 7	No definition. Context: "the seabed of the Australian coastal sea or subsoil of that seabed"	Unclear. The Act is for regulating shipping over navigable waters and could practically apply to all waters to MHW	MHW
Tidal Waters	Water Act. Sec.4	"tidal water means – (a) water within the geographical area constituting the Territory that is directly affected by the tide; (b) water within the geographical area constituting the Territory seaward of water referred to in paragraph (a) that is not coastal waters of the Territory within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth; and (c) coastal waters of the Territory within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth, declared under section 5(6) to be tidal waters;"	(a) unclear. "directly affected" may mean at any tide. Assume all tidal waters to HAT. (b) any tidal waters below HAT (assumed in (a)) and MLW coastline limit of NT coastal waters OR alternatively, all tidal inland waters of the NT to HAT (assumed in (a)). (c) the waters between the MLW coastline and 3nml seaward of the territorial sea baseline.	HAT and MLW

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Tidal Waters	Mining Regulations. Reg. 20	No definition. Context: (a) Territorial boundaries, tidal water or the external boundaries or other natural features of the area available for marking out make such shape impracticable	Used to describe the allowable exception other than defining areas by right lined rectangles.
Tidal Waters	Waste Management & Pollution Control Act. Sec. 4	No definition Context: "water" means- (a) surface water, ground water and tidal waters; (b) coastal waters of the Territory, within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth "	Apperas to mean all inland waters and tidal waters in so far as they are part of the territorial sea of Australia no further than 3 nmls from the Australian territorial sea base line and the internal waters of Australia between the MLW coastline and the seaward limit of the territorial sea of Australia excluding the inland waters of the NT contained within the limits of the NT.
Water's Edge	Harbour Craft By Laws Sec, 14.01	No definition Context: (b) "... at a speed exceeding 5 nautical miles per hour within 250 metres of the water's edge at the time at any beach between the following specified points -.."	Restricted vessel navigation area from wherever the 'water's edge' might be at the time.
Waters Of The Sea	Aboriginal Land Rights (Northern Territory) Act 1976. Sec.73	No definition. Context:(1)(d) "The powers of the NT to make laws extends to the 'waters of the sea', including waters of the territorial sea of Australia, adjoining, and within 2 kilometres of, Aboriginal land"	The powers of the NT to make laws under the Act extends to the "waters of the sea". Aboriginal Land normally extends to MLW.

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Victorian Perspective

INTRODUCTION

This document has been produced by the Land Information Group, Land Victoria, in support of the work activities of the ICSM Tidal Interface Working Group.

It is an attempt to document the current use of the major terms used to describe the "coastline" in Victorian legislation.

The approach taken to develop this document was based on the work of Bill Hirst, Geosciences Australia

The terms analysed in this document were selected on the basis of those selected by the Commonwealth and others deemed to have possible importance to Victorian responsibilities.

The full list of terms analysed is:

- Lowest Astronomical Tide (LAT)
- Highest Astronomical Tide (HAT)
- Mean Low Water (MLW)/Low Water/Low Water Mark
- Mean High Water (MHW)/high Water/High Water Mark
- Shore/Shoreline/Shore Line
- Coast/Coastline

The information collated for each term tries to answer the following questions:

How is the term used in Victoria?

Is the term defined in the actual legislation?

How and how often is the term used in legislation?

The legislative search found no definitions in the actual legislation for all the terms searched.

The legislative search was conducted using the Australasian Legal Information Institute

- A joint facility of UTS and UNSW Faculties of Law.

More information about the method of the search is contained in the appendix to this document.

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Lowest Astronomical Tide (LAT)

Primary Use in Victoria: None Known

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

No use found in search Victorian legislation

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Highest Astronomical Tide (HAT)

Primary Use in Victoria: None known

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

No use found in search of Victorian Legislation

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Mean Low Water (MLW)/ Low Water/Low Water Mark

Primary Use in Victoria: Depiction of the coastline. Generally the landward limit of a marine administrative area or used in context of "the coastline at mean low water" or "low water mark".

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

16 documents found on search of Mean Low Water/Low Water/Low Water Mark

Examples of usage:

“any land between high water mark and **low water** forming part of the park”

“any waters lying within a distance of 200 metres from the **low water** mark on the nearest foreshore”

“the intersection of the coastline at **mean low water** by the boundary between the States of New South Wales and Victoria”

Low Water/Low Water Mark

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 21 Amendment of Schedule Two*

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 23 Amendment of Schedule Four*

NATIONAL PARKS ACT 1975

- *SECT 31 Croajingolong National Park*

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 22 Amendment of Schedule Three*

HERITAGE RIVERS (AMENDMENT) ACT 1998

- *SECT 6 Amendment of Schedule 1*

LOCAL GOVERNMENT ACT 1989 - SECT 3 Definitions

NATIONAL PARKS ACT 1975 - SCHEDULE TWO

NATIONAL PARKS (AMENDMENT) ACT 1997

- *SECT 16 Altered Parts in Schedule Two-National Parks*

HERITAGE RIVERS ACT 1992 - SCHEDULE 1

PORT OF MELBOURNE AUTHORITY (NO. 2) REGULATIONS 1988

- *SECT 816 Vehicles prohibited on the foreshore*

PORT OF MELBOURNE AUTHORITY (NO. 2) REGULATIONS 1988

- *SECT 319 Speed of vessels less than two metres draft*

FISHERIES REGULATIONS 1998

- *SECT 308 Conditions of Gippsland Lakes Fishery Access Licence*

FISHERIES (COMMERCIAL) REGULATIONS 1992

- *SECT 50 Restrictions and prohibitions on commercial fishing*

Mean Low Water

Petroleum (Submerged Lands) Act 1982 - SIXTH SCHEDULE

Petroleum (Submerged Lands) Act 1982 - THIRD SCHEDULE

PETROLEUM (SUBMERGED LANDS) ACT 1982 - SECT 4 Definitions

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Mean High Water (MHW)/High Water/High Water Mark

Primary Use in Victoria: Depiction of the coastline. Generally the seaward limit of a marine administrative area or used in context of "the coastline at mean high water" or "high water mark".

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

24 documents found on search of Mean High Water/High Water/High Water Mark.

Examples of usage:

“any land between **water mark and 150 metres seawards of high water mark** forming part of the park”

“land covered with waters of the sea, must be limited to a depth of 60 metres below **high water mark** ”

“the land 150 metres seaward from the **mean high water** mark of the land coloured pink on the plan.”

High Water/High Water Mark

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 21 Amendment of Schedule Two*

Melbourne and Metropolitan Board of Works Act 1958 - SECOND SCHEDULExxx

PORT SERVICES ACT 1995 - SECT 70 Revocation of reservations

NATIONAL PARKS ACT 1975 - SECT 31 Croajingolong National Park

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 22 Amendment of Schedule Three*

DOCKLANDS AUTHORITY ACT 1991 - SECT 18 Grant of land to the Authority

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 23 Amendment of Schedule Four*

NATIONAL PARKS ACT 1975 - SCHEDULE TWO

NATIONAL PARKS (AMENDMENT) ACT 1997

- *SECT 14 Insertion of new Parts in Schedule Two -National Parks*

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) ACT 2002

- *SECT 16 Insertion of new Division and Heading*

COMMONWEALTH GAMES ARRANGEMENTS ACT 2001

- *SECT 29 Grant of land to Secretary*

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT ACT 1994

- *SECT 17 Grant of land to facilitating agency*

FISHERIES (COMMERCIAL) REGULATIONS 1992 - SECT 4 Definitions

FISHERIES REGULATIONS 1998 - SECT 105 Definitions

FISHERIES REGULATIONS 1998

- *SECT 533 Offence to use or possess certain equipment in certain areas*

CONSERVATION, FORESTS AND LANDS (INFRINGEMENT NOTICE) REGULATIONS 1992

- *SCHEDULE*

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

*CONSERVATION, FORESTS AND LANDS (INFRINGEMENT NOTICE) (AMENDMENT NO. 3)
REGULATIONS 1998 - SECT 3 Amendments to Schedule of Offences
HERITAGE (HISTORIC SHIPWRECKS) (GENERAL) REGULATIONS 1996 - SCHEDULE 3
PARK REGULATIONS 1992 - SECT 9 Exemptions from the operation of the regulations*

High Water Mean

*NATIONAL PARKS ACT 1975 - SCHEDULE TWO
NATIONAL PARKS (AMENDMENT) ACT 1997
- SECT 14 Insertion of new Parts in Schedule Two - National Parks
FISHERIES (COMMERCIAL) REGULATIONS 1992 - SECT 4 Definitions
FISHERIES REGULATIONS 1998 - SECT 105 Definitions
FISHERIES REGULATIONS 1998
- SECT 533 Offence to use or possess certain equipment in certain areas*

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Shore/Shoreline/Shore Line

Primary Use in Victoria: Depiction of the coastline.

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

31 documents found on search of Shore/Shoreline/Shore Line

Examples of Usage:

“the waters of Port Phillip Bay that are within 500 metres of the water **shoreline**”

“the waters of any State Game Reserve and the land within 5 metres of the water **shoreline** of those waters”

“thence south-westerly and southerly by the boundary of that reserve and a line in continuation to the **shore** of Hobsons Bay”

Shoreline/Shore Line

WILDLIFE (GAME) REGULATIONS 2001 - SECT 55 Specified hunting areas

WILDLIFE (GAME) (SPECIFIED HUNTING AREA) REGULATIONS 1998

- SECT 7 New Part 7 inserted

FISHERIES (COMMERCIAL) REGULATIONS 1992

- SECT 41 Prohibition on use of a dredge for fishing

FISHERIES REGULATIONS 1998 - SECT 105 Definitions

FISHERIES (COMMERCIAL) REGULATIONS 2000 - SECT 4 Amendment to definition

WILDLIFE (GAME) REGULATIONS 1990 - SECT 5 Definitions

WILDLIFE (WHALES) REGULATIONS 1997 - SECT 5 Definitions

WILDLIFE (WHALES) REGULATIONS 1997 - SECT 8 Additional conditions of permits issued under section 78(1)(g) of the Act authorising dolphin swims

WILDLIFE (WHALES) REGULATIONS 1998 - SECT 3 Definitions

WILDLIFE (WHALES) REGULATIONS 1998 - SECT 6 Additional conditions of permits issued under section 78(1)(g) of the Act authorising dolphin swims

FISHERIES (COMMERCIAL) REGULATIONS 1992 - SECT 4 Definitions

Shore

INTERPRETATION OF LEGISLATION ACT 1984

- SECT 57 Application of laws of Victoria in certain off-shore areas

SUMMARY OFFENCES ACT 1966 - SECT 31 Possession of property from wrecks

CITY OF MELBOURNE ACT 1993 - SCHEDULE 1

MARINE ACT 1988 - SCHEDULE 2

SUMMARY OFFENCES ACT 1966 - SECT 32 Offering property from wrecks for sale

VICTORIAN INSTITUTE OF MARINE SCIENCES ACT 1974 - SECT 4 Objects of Institute

HERITAGE ACT 1995 - SECT 119 Danger to navigation

MARINE ACT 1988 - SECT 59 Regulations giving effect to Safety Convention

MARINE (AMENDMENT) ACT 2000 - SECT 22 Insertion of new Part 10A

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MARINE ACT 1988 - SCHEDULE 1

MARINE ACT 1988 - SECT 34 Definitions etc.

MARINE ACT 1988 - SECT 53 Definitions

MARINE ACT 1988 - SECT 113 Definitions

SUMMARY OFFENCES ACT 1966

- SECT 27 Search warrant for skins of cattle, goods from wreck etc.

MELBOURNE AND METROPOLITAN BOARD OF WORKS ACT 1958

- SECT 132 Duties and powers of the Board

MELBOURNE AND METROPOLITAN BOARD OF WORKS ACT 1958

- SECT 147 Works upon River Yarra to be approved by a local authority or Victorian Channels Authority

PORT SERVICES ACT 1995 - SECT 22 Dredging

MARINE ACT 1988 - SECT 27 Interpretation

FISHERIES ACT 1995 - SECT 4 Definitions

ELECTRICITY INDUSTRY (RESIDUAL PROVISIONS) ACT 1993 - SCHEDULE 3A

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

Legal Entity: Coast/Coastline

Primary Use in Victoria: Depiction of the coastline.

Legal Definition (Legal dictionary or case law):

None known.

Defined in legislation:

No definition found in search of Victorian legislation.

Use in legislation:

28 documents found on search of Coast/Coastline

Examples of Usage:

“If the boundary of a [municipal district](#) is described by reference to the sea **coast** (regardless of whether it is referred to as the sea shore or the waters of the sea or a bay or in any other way), that boundary is to be taken to be the line for the time being of the low water mark on that sea **coast**”.

“at the mean high water mark then following the **coastline** of Little Snake Island generally north”

Petroleum (Submerged Lands) Act 1982 - SECOND SCHEDULE

MARINE ACT 1988 - SCHEDULE 2

ENVIRONMENT PROTECTION ACT 1970 - SECT 3 Extra-territorial application of Act

Flora and Fauna Guarantee Act 1988 -

LOCAL GOVERNMENT ACT 1989 - SECT 3 Definitions

WATER ACT 1989 - SCHEDULE 12

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT 2002

- SECT 5 Definition of "construction work"

GEELONG PERFORMING ARTS CENTRE TRUST ACT 1980 - SECT 7 Composition of Trust

GEELONG PERFORMING ARTS CENTRE TRUST (AMENDMENT) ACT 1997

- SECT 3 Composition of Trust

Alcoa (Portland Aluminium Smelter) Act 1980 - First Annexure

MARINE ACT 1988 - SECT 46 Non-compliance with notice under section 45(1)

MARINE ACT 1988 - SECT 47 Prevention of pollution caused by escape of oil

Petroleum (Submerged Lands) Act 1982 - SIXTH SCHEDULE

Petroleum (Submerged Lands) Act 1982 - THIRD SCHEDULE

NATIONAL PARKS ACT 1975

- SECT 32B Tenancies for surf lifesaving club purposes

NATIONAL PARKS ACT 1975

- SECT 32A Minister may grant tenancies of land included in Port Campbell National Park

CROWN LAND (RESERVES) ACT 1978

- SECT 4 Power to reserve Crown land for public purposes

CROWN LAND (RESERVES) ACT 1978

- SECT 17 Powers of trustees or committees of management

CROWN LAND (RESERVES) ACT 1978

- SECT 16 Governor in Council may by Order direct that reserved land vest in municipality

CROWN LAND (RESERVES) ACT 1978

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

- *SECT 17D Leases for purposes other than those for which land is reserved*
LAND (REVOCATION OF MISCELLANEOUS RESERVATIONS) ACT 1997 - SCHEDULE 1
CROWN LAND (RESERVES) ACT 1978
- *SECT 17C Continuation of uses of land for purposes other than those for which it is reserved-leases*
NATIONAL PARKS ACT 1975 - SCHEDULE FOUR
PETROLEUM (SUBMERGED LANDS) ACT 1982 - SECT 4 Definitions
CROWN LAND (RESERVES) ACT 1978
- *SECT 17B Licences for purposes other than those for which land is reserved*
CROWN LAND (RESERVES) ACT 1978-SECT 17A Continuation of uses of reserved land
for purposes other than those for which it is reserved-licences and agreements
Transport (Tow Truck) Regulations 1994 - Regulation 4
FISHERIES REGULATIONS 1998
- *SECT 533 Offence to use or possess certain equipment in certain areas*

Tidal Interface - Analysis of Legal Entities - Victorian Perspective

APPENDIX

Method of legislative search

The legislative search was conducted using the Australasian Legal Information Institute
A joint facility of UTS and UNSW Faculties of Law

See <http://www.austlii.edu.au>

The databases searched were those relating to Victorian Legislation and included:

- Victorian Consolidated Acts 1996-
- Victorian Consolidated Regulations 1996-

Western Australia

Terms used other than 'key terms'

Notes

- A** This list is in the order of highest level to the lowest.
- B** Explanations of intent, etc, are given in common language rather than quoting the text used in the various Acts and Regulations.
- C** National Tidal Facility (NTF), Flinders University used as the source of definitions rather than the Admiralty or the RAN.
- D** Shaded or plain rows indicate Key Term groups.

Other Term	Defn	Percieved Intent	Key Term
Coast 1 of 2	None available. The extent is vague.	Landward extent	N/A
Coastal Zone 1 of 2	None available. The extent is vague.	Landward extent	N/A
Foreshore 1 of 2	None available. The extent is vague.	Landward extent	N/A
Pastoral Lease Boundary (PLB)	Based upon the position of HWM yet HWM does not have a precise description. The PLB is 40 m above* the HWM. * this is a horizontal landward offset.	See 'Key Term'. To ensure a suitable setback from HWM and to accommodate free public access to the foreshore and place the line beyond the 'average' storm surge.	MHWS or MHHW with 40m horizontal offset.
Native Title Boundary at sea/land interface	Uses HAT. Definition of HAT available from NTF.	HAT. To extend the boundary landwards to encompass areas of the coast which are 'subject to inundation'.	HAT.
Intertidal Zone 1 of 2	None available.	Landward edge, assumed at HAT	HAT
High Water Mark (HWM)	Land Adminsitration Act 1997: HWM, in relation to tidal waters, means ordinary high water mark at spring tides.	See 'Key Term'. In WA, HWM is a line at height slightly higher than the calculated MHWS or MHHW. A table of AHD levels is provided to assist mapping.	MHWS or MHHW with a small upwards vertical offset.

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Ordinary HWM	See HWM.	See HWM.	MHWS or MHHW with a small upwards vertical offset.
?	?	Possibly infers HWM, therefore, refer that section.	MHW
Australian Height Datum (AHD)	Refer to ICSM documents. AHD is MSL* determined for a particular epoch and given the value of zero metres AHD.	MSL* Suitable as a height for a general coastline line.	MSL
Coastline 1 of 3	General assumption: i) Mapping 1:10K to Atlas scales. A contour line set at zero metres AHD. ii) Detailed mapping. May show an indicative MHW and MLW line.	See AHD	MSL
Coastline 2 of 3	Inferred from reference in; Petroleum (Submerged Lands) Act 1967 in which the term MLW is used.	Possibly infers LWM, see below.	MLW
Coastal Waters boundary at land/sea interface.	Inferred from reference in; Constitutional Power (Coastal Waters) Act 1979 with link to Petroleum (Submerged Lands) Act 1967 in which the term MLW is used.	Possibly infers, MLWS or MLLW.	MLWS or MLLW
Indian Springs Low Water (ISLW)	Definition available from NTF.	Possibly infers, MLWS or MLLW.	MLWS or MLLW

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LWM 1 of 2	No definite description available. In WA it is a line at height slightly lower than the calculated MLWS or MLLW. Using the table of AHD levels for HWM, presumably the levels range from -0.4m in the South to -3.1m at Wyndham. These levels are provided to assist mapping.	Possibly infers, MLWS or MLLW. Sometimes considered to be equivalent to LAT.	MLWS or MLLW with a small downwards vertical offset.
LWM 2 of 2	No definite description available. In WA it is a line at height slightly lower than the calculated MLWS or MLLW. Using the table of AHD levels for HWM, presumably the levels range from -0.4m in the South to -3.1m at Wyndham. These levels are provided to assist mapping.	Sometimes considered to be equivalent to LAT. See also LWM, 1 of 2.	LAT
Coastline 3 of 3	Inferred from reference in; Seas and Submerged Lands Act 1973 in which the term 'Low Water line along the coast' suggests 'coastline'.	Low Water line is sometimes considered to be equivalent to LAT.	LAT
Low Water line	No definite description available. Seas and Submerged Lands Act 1973 refers to the Low water line.	Possibly infers, LAT.	LAT
AMBIS base line (along the shore)	No definite description available. UN Law of the Sea Convention refers to the Low Water level.	Sometimes considered to be equivalent to LAT.	LAT

Tidal Interface - Analysis of Legal Entities – Western Australian Perspective

Intertidal Zone 2 of 2 (seaward extent)	None available.	If the term 'Intertidal Zone' is used, assume seaward edge at LAT	LAT
Coast 2 of 2 (seaward extent)	None available. The extent is vague.	Seaward extent	N/A
Coastal Zone 2 of 2 (seaward extent)	None available. The extent is vague.	Seaward extent	N/A
Foreshore 2 of 2 (seaward extent)	None available. The extent is vague.	Seaward extent	N/A