

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 56 of 1985

An Act to provide for the regulation of descriptions of the boundaries of administrative districts; to facilitate interpretation of such descriptions; to provide for the settlement of disputes concerning the boundaries of such districts; to require public authorities to endorse on maps issued by them the purpose for which those maps are issued; and for related purposes

[ASSENTED TO 20TH SEPTEMBER, 1985]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. **Short title and citation.** This Act may be cited as the *Administrative Boundaries Terminology Act 1985*.

2. **Act to bind Crown.** This Act binds the Crown not only in right of the State of Queensland but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

3. **Interpretation.** In this Act, unless the contrary intention appears—

“administrative district” means any area of the State declared or established under or for the purposes of any Act, whether declared or established before or after the commencement of this Act;

“bank” used with reference to a watercourse means the line along the outermost limits of the defined channel of the watercourse that follows the highest points of land within the channel that are covered by the waters of the watercourse (whether permanently, intermittently, or occasionally);

“bank” used with reference to a lake means the line along the outermost limits of the depression of the lake that follows the highest points of land within the depression that are covered by the waters of the lake (whether permanently, intermittently, or occasionally);

“bed” used with reference to a watercourse means the whole of the land which is alternately covered or left bare as there may be an increase or diminution in the supply of water and which is adequate to contain the water at its average or mean flow without reference to extreme droughts or to extraordinary freshets in time of flood;

“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 two 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);

“lake” includes any lagoon, swamp, marsh, or other natural collection of water, whether permanent or temporary, not being water contained in an artificial work;

“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 two 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);

“ plan ” means—

- (a) a plan within the meaning of the *Surveyors Act 1977–1983*;
- (b) any other plan, sketch, map, chart, or aerial photograph, suitable for defining, or for use in defining, the boundaries of an administrative district;

“ public authority ” means any State department, statutory authority, or local authority;

“ Surveyor-General ” means the Surveyor-General within the meaning of the *Surveyors Act 1977–1983*;

“ tidal lake ” means a lake in which the tide ebbs and flows;

“ tidal watercourse ” means a watercourse or that part of a watercourse, in which the tide ebbs and flows;

“ watercourse ” means a river, creek, or stream, in which water flows, (whether permanently, intermittently, or occasionally) in a natural channel or in a natural channel artificially improved or in an artificial channel that has changed the course of the watercourse.

4. Methods for defining area of administrative district. (1) The area of an administrative district shall be defined by using any one or combination of the following methods:—

- (a) delineating the boundaries of the district on a plan by distinctive symbols, colouring, hachuring, or other appropriate means;
- (b) describing the boundaries of the district by reference to any one or combination of the following:—
 - (i) lines described by lengths and bearings (those bearings being referred to a stated datum);
 - (ii) any natural or other feature suitable for that purpose;
 - (iii) the real property descriptions of the lands adjoining the district;
 - (iv) parish or county boundaries, described and gazetted pursuant to section 17 (1) of the *Land Act 1962–1983*;
 - (v) boundaries surveyed and shown on a plan in accordance with the *Surveyors Act 1977–1983*;
 - (vi) the co-ordinates of the corners and bends of the district provided those co-ordinates have been approved by the Surveyor-General;
 - (vii) metes and bounds;
- (c) describing the boundaries thereof by reference to the area or, as the case may be, boundaries of any other administrative district the area of which is defined in accordance with this subsection;
- (d) listing the real property descriptions of the lands comprising the district;
- (e) any other appropriate means approved by the Surveyor-General.

(2) The definition of the area of an administrative district declared or established before or after the commencement of this Act by a method other than one prescribed by subsection (1) shall not affect the validity of the declaration or establishment of the administrative district.

5. Interpretation of descriptions of administrative districts. Unless the contrary intention appears, when used in defining the area of an administrative district (whether defined before or after the commencement of this Act)—

- (a) “bank” when used with reference to a watercourse or lake has the meaning given to that term in section 3;
- (b) “bay”, “inlet”, “harbour”, “gulf” or other similar term means the high-water mark in the bay, inlet, harbour, gulf or similar feature;
- (c) “foreshore”, “shore”, “coastline” or other similar term means the high-water mark along the foreshore, shore, coastline or similar feature;
- (d) a reference to a watercourse that is tidal or a lake that is tidal is a reference to the high-water mark along the watercourse or lake;
- (e) a reference to a watercourse that is not tidal is a reference to the line along the middle of the bed of the watercourse;
- (f) a reference to a lake that is not tidal is a reference to the bank of the lake;
- (g) a reference to a dam is a reference to the line along the outermost limits of the dam that follows the highest points of land that are covered by the waters of the dam at full supply level;
- (h) a reference to a road or railway is a reference to the centre-line of the road or railway;
- (i) a reference to a mountain, mountain range, hill, or similar feature is a reference to the watershed of the feature;
- (j) a reference to the left or right bank of a watercourse is a reference to the left or right bank when facing downstream;
- (k) a reference to high-water mark or low-water mark is a reference to high-water mark or low-water mark as defined in section 3.

6. Moving boundaries. (1) Unless the contrary intention appears, where the boundary of an administrative district is defined by reference (directly or indirectly) to a line related to—

- (a) the height of the tide and that line changes gradually and imperceptibly, whether because of tidal waters advancing into the land or receding from the land, the boundary of the administrative district changes accordingly;
- (b) the course of a watercourse or the level of water in a lake and that line changes gradually and imperceptibly, whether because of waters of the watercourse or lake advancing into the land or receding from the land, the boundary of the administrative district changes accordingly.

(2) Unless the contrary intention appears, where a line, such as is referred to in subsection (1), changes and the change—

(a) is not gradual or not imperceptible; or

(b) results solely from a cause which is not a natural cause,
the boundary of the administrative district shall not change accordingly.

7. Interpretation of boundaries shown on maps. 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;

(b) along and within the banks of a watercourse that is not tidal or the boundaries of a road or railway (or where any such feature is shown by a single line and a boundary is shown as being that line) the boundary shall be the line along the middle of the bed of the watercourse, or the centre-line of the road or railway;

(c) along but to one side of a watercourse that is not tidal or a road or railway the boundary shall be—

(i) the bank of the watercourse nearer to the marked boundary;
or

(ii) the boundary of the road or railway nearer to the marked boundary.

8. Plan to be endorsed with purpose. (1) Before a public authority issues a plan for the purpose of defining the boundaries of an administrative district it shall endorse the plan with that purpose.

(2) The validity of the declaration or establishment of an administrative district the area of which is delineated on a plan that is not endorsed as required by subsection (1) shall not be thereby affected.

9. Limiting liability of public authorities for plans. Where a plan—

(a) has, before the commencement of this Act, been made or issued by or on behalf of a public authority (whether or not it bears an endorsement such as is referred to in section 8); or

(b) is, after the commencement of this Act, made or issued by or on behalf of a public authority and bears an endorsement in accordance with section 8,

the Crown, the public authority and any person who made or issued the plan on behalf of the public authority shall not be held liable on account of any injury or loss occasioned by the use of the plan—

(i) for any purpose other than a purpose for which it was made or issued by or on behalf of the public authority;

- (ii) limited to reference to any line or mark on the plan which line or mark was made after the issue of the plan by or on behalf of the public authority and was not made by or on behalf of the public authority.

10. Disputes concerning boundaries. (1) Where a dispute arises concerning the location of the boundary of an administrative district one or more of the parties to the dispute may refer it to the Surveyor-General whereupon it shall be competent to the Surveyor-General or a person nominated by him to adjudicate in the dispute and, to that end, to define the location of the disputed boundary.

(2) The decision, pursuant to subsection (1), of the Surveyor-General or his nominee shall be binding on the parties to the dispute and on all other persons then concerned or who later become concerned with the location of the disputed boundary until—

- (a) the location of the boundary is otherwise determined according to law; or
- (b) the location of the boundary becomes altered in a manner recognized by this Act or otherwise according to law.

(3) The provisions of subsections (1) and (2) shall not affect the jurisdiction of any court or other body duly constituted under the authority of an Act to declare the location of the disputed boundary.

(4) The Surveyor-General and his nominee shall not be held liable on account of any injury or loss occasioned by reason of a decision of the Surveyor-General or his nominee made pursuant to subsection (1) in good faith and without negligence.