

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 54 of 1982

An Act to declare with respect to certain of the land boundaries of the State of Queensland and with respect to the construction of certain references in the law of the State and in instruments to which that law applies and for related purposes

[ASSENTED TO 18TH NOVEMBER, 1982]

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:—

Whereas by Letters Patent made the sixth day of June 1859, which erected into the Colony of Queensland the territory described therein, the land boundaries of the colony were defined in part by reference to the latitude twenty-nine degrees south and by reference to the longitude one hundred and forty-one degrees east:

And Whereas by Letters Patent made the thirteenth day of March 1862 there was annexed to the Colony of Queensland the territory lying northward of the latitude twenty-six degrees south and between the longitudes one hundred and forty-one degrees east and one hundred and thirty-eight degrees east:

And Whereas the difficulties associated with the location upon the surface of the earth of a boundary defined by reference to a parallel of latitude or a meridian of longitude required the delineation and determination of that boundary by marking it upon the surface of the earth:

And Whereas pursuant to agreements and arrangements made the locations of the land boundaries of the Colony of Queensland defined in the Letters Patent by reference to parallels of latitude or meridians of longitude have been ascertained by survey and have been permanently fixed by marking them upon the surface of the earth and those locations have been accepted and acted upon for generations:

And Whereas the Colony of Queensland, having become part of the Commonwealth of Australia, is now the State of Queensland:

NOW THEREFORE 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. This Act may be cited as the *Queensland Boundaries Declaratory Act 1982*.

2. Meaning of terms. In this Act, except where a contrary intention appears—

“instrument” means any—

- (a) letters patent, proclamation, commission, order in council, regulation, ordinance or by-law;
- (b) grant or lease of land or any interest in land or of authority licence or right to be in or upon, to use or to take up and occupy any land;
- (c) order of a court, warrant or notice issued under the authority of law;

- (d) contract, agreement, document or writing of any kind whatever that evidences rights or obligations enforceable at law,

that falls to be construed according to the law of the State of Queensland;

“ the Letters Patent ” means the letters patent referred to in the preamble to this Act and either of them.

3. State land boundaries. Each land boundary of the State of Queensland in so far as it is defined in the Letters Patent by means of a reference to a parallel of latitude or a meridian of longitude is and always has been the boundary that in relation to that parallel or meridian has been permanently fixed by marking it upon the surface of the earth before the year 1900 notwithstanding any map, chart, document or writing of any kind whatever that purports to show the boundary elsewhere than as so permanently fixed.

4. Construction of instruments. In any Act or instrument—

- (a) a reference (in whatever words expressed) to a land boundary of the State of Queensland, being a boundary defined in the Letters Patent by means of a reference to a parallel of latitude or a meridian of longitude, or to any part of such a boundary; or
- (b) a reference to a parallel of latitude or a meridian of longitude referred to in the Letters Patent,

shall be taken to be a reference to that boundary of the State of Queensland that has been permanently fixed by marking it upon the surface of the earth before the year 1900 and, where the reference is in an Act enacted or instrument made before the commencement of this Act, shall be taken to have been such a reference since the enactment of the Act or, as the case may be, the making of the instrument.

5. Act not to found liability. Neither the Crown nor any person shall be held to incur liability to pay damages or to make other remedy on account of loss or injury claimed by any person to have been suffered by him by reason of the enactment of this Act.