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ARTICLES

Tidal Boundaries in Queensland: Theories, Principles, and Some Not So Ordinary Rules – *Dr Chris Boge*

It is taken for granted in Queensland that tidal lands are the property of the State. The State's "ownership" has its origins in English common law. Today, it is codified by statute. The ownership's English origins are somewhat obscure because they are said to be found in spurious theory and a claim by the Crown by prerogative right which found favour with sympathetic courts in the Stuart period of the seventeenth-century. In Queensland, the rules which commenced in 2010 under Div 2 of Pt 7 of the *Survey and Mapping*

Infrastructure Act 2003 (Qld), for locating ambulatory tidal boundaries of land and, necessarily, for determining the landward extent of the State's property in its tidal lands, including ambulatory boundary principles, are complex. An understanding of the statutory rules can, however, be enriched, and likely only comprehended, by an appreciation of some key common law theories, principles, and rules. 233

Does Property Held by a Bankrupt on Trust Vest in the Bankrupt's Trustee in Bankruptcy? – Bill Dixon

Circumstances where a bankrupt holds property on trust may create a number of complexities for the bankrupt's trustee in bankruptcy. In some instances, where a bankrupt trustee has a beneficial interest in the trust property (such as a claim to an indemnity for expenditure incurred by the trustee in the performance of the trust) the trust property vests in the bankrupt's trustee in bankruptcy. However, if the bankrupt trustee does not have any beneficial interest in the trust property, the trust property will not vest in the bankrupt's trustee in bankruptcy. This article examines a recent decision of the High Court which sheds light on some of the issues involved in the complicated interaction of a number of provisions of the *Bankruptcy Act 1966* (Cth) and has implications for trustees in bankruptcy, their advisors and caveators more generally. 261

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