

Queensland



# **NATIVE TITLE (QUEENSLAND) ACT 1993**

**Reprinted as in force on 23 April 1999  
(includes amendments up to Act No. 30 of 1998)**

**Reprint No. 0C**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

## Information about this reprint

This Act is reprinted as at 23 April 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**NATIVE TITLE (QUEENSLAND) ACT  
1993**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	5
2	Commencement .....	5
3	Objects of Act .....	6
4	Definitions .....	7
5	Words and expressions used in Commonwealth Native Title Act .....	7
6	Act binds all persons .....	7
<b>PART 2—VALIDATION AND ITS EFFECTS</b>		
<i>Division 1—General</i>		
7	Object of part .....	8
8	Validation of past acts attributable to State .....	8
8A	Validation of intermediate period acts attributable to State .....	8
9	Application of remaining provisions of part .....	9
<i>Division 2—Effect of validation of past acts on native title</i>		
10	Category A past acts that are not public works .....	9
11	Category A past acts that are public works .....	9
12	Inconsistent category B past acts .....	10
13	Category C and D past acts .....	10
<i>Division 2A—Effect of validation of intermediate period acts on native title</i>		
13AA	Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters .....	10
13AB	Category A intermediate period acts that are public works .....	11
13AC	Category B intermediate period acts .....	11

---

13AD	Category C and D intermediate period acts . . . . .	11
13AE	Sections 13AA to 13AD apply subject to registered indigenous land use agreements . . . . .	11
	<i>Division 2B—Effect of extinguishment under division 2 or 2A</i>	
13A	Effect of extinguishment . . . . .	12
	<i>Division 3—Other effects of validation under division 2 or 2A</i>	
14	Preservation of beneficial reservations and conditions—past acts . . . . .	12
14A	Preservation of beneficial reservations and conditions—intermediate period acts . . . . .	12
15	Compensation . . . . .	13
	<b>PART 3—CONFIRMATION OF CERTAIN RIGHTS</b>	
16	Object of part . . . . .	13
17	Confirmation of ownership of natural resources etc. . . . .	13
18	Confirmation of access to beaches etc. . . . .	14
18A	Effect of confirmation under part . . . . .	14
	<b>PART 4—CONFIRMATION OF TOTAL OR PARTIAL EXTINGUISHMENT OF NATIVE TITLE BY PARTICULAR PREVIOUS ACTS</b>	
	<b>Division 1—Objects</b>	
19	Objects of pt 4 . . . . .	15
	<i>Division 2—Confirmation of extinguishment or partial extinguishment</i>	
20	Confirmation of extinguishment of native title by certain acts that are not public works . . . . .	15
21	Confirmation of extinguishment of native title by certain acts that are public works . . . . .	16
22	Other extinguishment provisions do not apply . . . . .	16
23	Confirmation of partial extinguishment of native title by previous non-exclusive possession acts . . . . .	16
	<i>Division 3—Effect of confirmation of total or partial extinguishment of native title</i>	
24	Preservation of beneficial reservations and conditions . . . . .	17
25	Confirmation of validity of use of certain land held by State etc. . . . .	18
26	Notification . . . . .	18
27	Compensation . . . . .	19

**PART 11—MISCELLANEOUS**

144	Declaration about compulsory acquisitions . . . . .	19
145	Regulation-making power . . . . .	20
146	Section headings and attachment—Commonwealth Native Title Act . . . .	20

**PART 12—INTERIM PROVISIONS***Division 1—Object of part*

147	Object . . . . .	20
-----	------------------	----

*Division 4—Other interim provisions*

154	Native title holders are owners . . . . .	22
155	Interim regulation-making power . . . . .	22
156	Expiry of part . . . . .	23

**ENDNOTES**

1	Index to endnotes . . . . .	24
2	Date to which amendments incorporated . . . . .	24
3	Key . . . . .	24
4	List of legislation . . . . .	25
5	List of annotations . . . . .	25

# **NATIVE TITLE (QUEENSLAND) ACT 1993**

[as amended by all amendments that commenced on or before 23 April 1999]

## **An Act about native title**

### **Preamble—**

(1) Before European settlement, land in what is now the State of Queensland had been occupied, used and enjoyed since time immemorial by Aboriginal people in accordance with Aboriginal tradition, and was occupied, used and enjoyed by Torres Strait Islanders in accordance with Island custom.

(2) Land is of spiritual, social, historical, cultural and economic importance to Aboriginal people and Torres Strait Islanders.

(3) After European settlement many Aboriginal people were dispossessed and dispersed.

(4) However, some Aboriginal people and many Torres Strait Islanders have maintained their ancestors' traditional or customary affiliation with particular areas.

(5) The High Court of Australia has—

- rejected the doctrine that Australia was terra nullius (land belonging to no-one) at the time of European settlement; and
- held that the common law of Australia recognises native title rights of Australia's indigenous inhabitants; and
- held that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates.

(6) The Commonwealth Government has proposed legislation to provide a national scheme for the recognition and protection of native title and for its coexistence with the existing land management systems.

(7) It is the intention of the Parliament that Queensland should participate in the national scheme proposed by the Commonwealth Government.

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Native Title (Queensland) Act 1993*.

### Commencement

2.(1) This Act (including subsections (3) and (4) of this section) commences on a day to be fixed by proclamation.

(2) Section 15C(1) of the *Acts Interpretation Act 1954* does not apply to subsections (3) and (4) of this section.

(3) The following sections are taken to have commenced immediately after the commencement of section 1.03 of the *Aboriginal Land Act 1991*—

- section 157 (Amended Act)
- section 158 (Amendment of s.1.03 (Definitions))
- section 159 (Insertion of new s.1.04A (Meaning of “native title interests”))
- section 160 (Amendment of s.2.13 (Lands that are available Crown land—general))
- section 161 (Amendment of s.3.06 (Existing interests))
- section 162 (Amendment of s.5.08 (Existing interests)).

(4) The following sections are taken to have commenced immediately after the commencement of section 1.04 of the *Torres Strait Islander Land Act 1991*—

- section 165 (Amended Act)

- section 166 (Amendment of s.1.04 (Definitions))
- section 167 (Insertion of new s.1.05A (Meaning of “native title interests”))
- section 168 (Amendment of s.2.10 (Lands that are available Crown land—general))
- section 169 (Amendment of s.3.06 (Existing interests))
- section 170 (Amendment of s.5.08 (Existing interests)).

### **Objects of Act**

**3.(1)** The main objects of the Commonwealth Native Title Act are—

- (a) to provide for the recognition and protection of native title; and
- (b) to establish ways in which future dealings affecting native title may proceed and to set standards for the dealings; and
- (c) to establish a mechanism for determining claims to native title; and
- (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

**(2)** The main objects of this Act are—

- (a) in accordance with the Commonwealth Native Title Act, to validate past acts, and intermediate period acts, invalidated because of the existence of native title and to confirm certain rights; and
- (b) to ensure that Queensland law is consistent with standards set by the Commonwealth Native Title Act for future dealings affecting native title; and
- (c) to establish State-based mechanisms for deciding claims to native title that are complementary to, and consistent with, the mechanisms established by the Commonwealth Native Title Act.



## **Definitions**

4. In this Act—

**“Commonwealth Native Title Act”** means the *Native Title Act 1993* (Cwlth).

**“NTA”**, in a section heading, means the Commonwealth Native Title Act.

**“State mining Act”** means any of the following Acts—

- *Mineral Resources Act 1989*
- *Petroleum Act 1923*
- an Act prescribed by regulation.

**“Wardens Court”** means a Wardens Court established under the *Mineral Resources Act 1989*.

## **Words and expressions used in Commonwealth Native Title Act**

5.(1) Words and expressions used in the Commonwealth Native Title Act and this Act have the same meanings in this Act as they have in the Commonwealth Native Title Act.<sup>1</sup>

(2) Subsection (1) applies except so far as the context or subject matter otherwise indicates or requires.

(3) However, subsection (1) does not apply to a word or expression defined in section 4 (Definitions).

## **Act binds all persons**

6. This Act binds all persons, including the State.

---

<sup>1</sup> Section 222 of the Commonwealth Native Title Act (“NTA”) sets out a list of definitions used in that Act.

## **PART 2—VALIDATION AND ITS EFFECTS**

### *Division 1—General*

#### **Object of part**

7. The object of this part is to—

- (a) validate, under section 19 of the Commonwealth Native Title Act, past acts attributable to the State;<sup>2</sup> and
- (b) validate, under section 22F of the Commonwealth Native Title Act, intermediate period acts attributable to the State;<sup>3</sup> and
- (c) provide for the effects of the validation.

#### **Validation of past acts attributable to State**

8. Every past act attributable to the State is valid, and is taken always to have been valid.

#### **Validation of intermediate period acts attributable to State**

8A. Every intermediate period act attributable to the State is valid, and is taken always to have been valid.

---

<sup>2</sup> An “act” is defined in s 226 NTA.  
A “past act” is defined in s 228 NTA.  
An act “attributable” to the State is defined in s 239 NTA.

<sup>3</sup> For what is an “intermediate period act”, see the *Native Title Act 1993* (Cwlth), section 232A. There are 4 categories of intermediate period acts, called category A, B, C and D intermediate period acts. They are defined in sections 232B to 232E and deal with a number of things, including leasehold and freehold interests in land, other interests in land and waters, and public works.

**Application of remaining provisions of part**

9. The remaining provisions of this part apply—
- (a) to a past act attributable to the State that is validated by section 8; and
  - (b) to an intermediate period act attributable to the State that is validated by section 8A.

*Division 2—Effect of validation of past acts on native title***Category A past acts that are not public works**

**10.(1)** This section applies if the past act is a category A past act,<sup>4</sup> but is not a category A past act to which section 229(4) (which deals with public works) of the Commonwealth Native Title Act applies.

- (2) The past act extinguishes native title.

**Category A past acts that are public works**

**11.(1)** This section applies if the past act is a category A past act to which section 229(4) of the Commonwealth Native Title Act applies.

(2) The past act extinguishes native title in relation to the land or waters on which the public work concerned (on completion of its construction or establishment) was or is situated.

(3) If section 229(4)(a) (which deals with public works completed after 1 January 1994) of the Commonwealth Native Title Act applies to the past act, the extinguishment is taken to have happened on 1 January 1994.

---

<sup>4</sup> “**Category A past act**” is defined in s 229 NTA. This category covers freehold grants, some leasehold grants (commercial, agricultural, pastoral and residential leases) and public works. “**Lease**” and the various types of leases are defined in ss 242 to 249B NTA. “**Public work**” is defined in s 253 NTA.

**Inconsistent category B past acts**

**12.(1)** This section applies if the past act is a category B past act<sup>5</sup> that is wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests concerned.

**(2)** The past act extinguishes the native title to the extent of the inconsistency.

**Category C and D past acts**

**13.(1)** This section applies if the past act is a category C or D past act.<sup>6</sup>

**(2)** The non-extinguishment principle applies to the past act.<sup>7</sup>

***Division 2A—Effect of validation of intermediate period acts on native title*****Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters**

**13AA.(1)** This section applies to a category A intermediate period act within the meaning of section 232B(2), (3) or (4)<sup>8</sup> of the Commonwealth Native Title Act.

**(2)** The intermediate period act extinguishes all native title in relation to the land or waters concerned.

---

<sup>5</sup> “**Category B past act**” is defined in s 230 NTA. This category covers leasehold grants (other than leases that are category A past acts and mining leases).

<sup>6</sup> “**Category C past act**” is defined in s 231 NTA. This category deals with the grant of mining leases. “**Mining lease**” is defined in s 245 NTA and “**mine**” in s 253 NTA.

“**Category D past act**” is defined in s 232 NTA. It is the residual category of past acts.

<sup>7</sup> The effect of the “**non-extinguishment principle**” is set out in s 238 NTA.

<sup>8</sup> Section 232B (Category A intermediate period acts).

**Category A intermediate period acts that are public works**

**13AB.(1)** This section applies to a category A intermediate period act within the meaning of section 232B(7) of the Commonwealth Native Title Act.

(2) The intermediate period act extinguishes the native title in relation to the land or waters on which, on completion of its construction or establishment, the public work concerned was or is situated.

(3) The extinguishment is taken to have happened when the construction or establishment started.

**Category B intermediate period acts**

**13AC.(1)** This section applies to a category B intermediate period act that is wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests concerned.

(2) The intermediate period act extinguishes the native title to the extent of the inconsistency.

**Category C and D intermediate period acts**

**13AD.(1)** This section applies if an intermediate period act is a category C or D intermediate period act.

(2) The non-extinguishment principle applies to the intermediate period act.<sup>9</sup>

**Sections 13AA to 13AD apply subject to registered indigenous land use agreements**

**13AE.** Sections 13AA to 13AD apply subject to section 24EBA(6) of the Commonwealth Native Title Act.<sup>10</sup>

---

<sup>9</sup> For category C intermediate period acts, the State must also comply with the *Native Title Act 1993* (Cwlth) section 22H (Requirement to notify: mining rights).

<sup>10</sup> Section 24EBA (Effect of registration on previous acts covered by indigenous land use agreements)

***Division 2B—Effect of extinguishment under division 2 or 2A*****Effect of extinguishment**

**13A.** An extinguishment under division 2 or 2A does not by itself confer a right to eject or remove any Aboriginal persons who may reside on or who exercise access over land or waters covered by a pastoral lease the grant, re-grant or extension of which is validated by division 2 or 2A.

***Division 3—Other effects of validation under division 2 or 2A*****Preservation of beneficial reservations and conditions—past acts**

**14.(1)** This section applies if—

- (a) the past act contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
- (b) the doing of the past act would affect rights or interests (other than native title rights and interests) of Aboriginal peoples or Torres Strait Islanders (whether arising under legislation, at common law or in equity and whether or not rights of usage).

**(2)** Division 2 (Effect of validation of past acts on native title) does not affect a reservation or condition mentioned in subsection (1)(a) or rights or interests mentioned in subsection (1)(b).

**Preservation of beneficial reservations and conditions—intermediate period acts**

**14A.(1)** This section applies if—

- (a) an intermediate period act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
- (b) the doing of an intermediate period act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity, and whether or not rights of usage.

(2) Division 2A does not affect a reservation or condition mentioned in subsection (1)(a) or rights or interests mentioned in subsection (1)(b).

### **Compensation**

**15.(1)** Under the Commonwealth Native Title Act, native title holders are, subject to that Act, entitled to compensation because of the validation by this Act of past acts and intermediate period acts attributable to the State.

(2) The compensation is payable by the State.

## **PART 3—CONFIRMATION OF CERTAIN RIGHTS**

### **Object of part**

**16.** The object of this part is to confirm, in accordance with section 212 (Confirmation of ownership of natural resources, access to beaches etc.) of the Commonwealth Native Title Act—

- (a) the ownership of natural resources and certain water and fishing access rights; and
- (b) public access to and enjoyment of beaches and certain other places.

### **Confirmation of ownership of natural resources etc.**

**17.(1)** The existing ownership of all natural resources owned by the State is confirmed.

(2) All existing rights of the State to use, control and regulate the flow of water are confirmed.

(3) All existing fishing access rights under State law are confirmed to prevail over other public or private fishing rights.

*Native Title (Queensland) Act 1993*

---

*Examples for subsection (1)—*

*Example 1—Minerals and petroleum*

With the exception of minerals on certain freehold titles granted between 1860 and 1910, the State owns all minerals (e.g. bauxite, coal and gold) and petroleum in Queensland—see s 8 *Mineral Resources Act 1989* and earlier provisions and s.5 *Petroleum Act 1923*. This ownership is confirmed by subsection (1).

*Example 2—Quarry material*

The State owns quarry material on certain lands in Queensland, including all Crown lands—see s.45 *Forestry Act 1959*. This ownership is confirmed by subsection (1).

*Example 3—Fauna*

With limited exceptions, the State owns all indigenous fauna in Queensland—see s.7 *Fauna Conservation Act 1974*. This ownership is confirmed by subsection (1).

### **Confirmation of access to beaches etc.**

**18.** Existing public access to and enjoyment of the following places is confirmed—

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;
- (d) beaches;
- (e) areas that were public places at the end of 31 December 1993.

### **Effect of confirmation under part**

**18A.** Under section 212(3) (Confirmation of ownership of natural resources, access to beaches etc.) of the Commonwealth Native Title Act, a confirmation under this Part does not extinguish any native title rights and interests and does not affect any conferral of land or waters, or an interest in land or waters, under a law that confers benefits only on Aboriginal peoples or Torres Strait Islanders.



## **PART 4—CONFIRMATION OF TOTAL OR PARTIAL EXTINGUISHMENT OF NATIVE TITLE BY PARTICULAR PREVIOUS ACTS**

### *Division 1—Objects*

#### **Objects of pt 4**

**19.** The objects of this part are—

- (a) to confirm the total extinguishment of native title by previous exclusive possession acts attributable to the State;<sup>11</sup> and
- (b) to confirm the partial extinguishment of native title by previous non-exclusive possession acts attributable to the State.<sup>12</sup>

### *Division 2—Confirmation of extinguishment or partial extinguishment*

#### **Confirmation of extinguishment of native title by certain acts that are not public works**

**20.(1)** This section applies to an act that is a previous exclusive possession act under section 23B(2) (including because of section 23B(3)) of the Commonwealth Native Title Act.<sup>13</sup>

---

<sup>11</sup> For the authorising provision, see the *Native Title Act 1993* (Cwlth) section 23E (Confirmation of extinguishment of native title by previous exclusive possession acts of State or Territory). For what is a “**previous exclusive possession act**”, see section 23B NTA.

<sup>12</sup> For the authorising provision of the *Native Title Act 1993* (Cwlth), see section 23I (Confirmation of partial extinguishment of native title by previous non-exclusive possession acts of State or Territory). For what is a “**previous non-exclusive possession act**”, see section 23F of the *Native Title Act 1993* (Cwlth).

<sup>13</sup> *Native Title Act 1993* (Cwlth), section 23B (Previous exclusive possession act)

(2) The act extinguishes native title in relation to the land or waters covered by the freehold estate, Scheduled interest<sup>14</sup> or lease concerned.

(3) The extinguishment is taken to have happened when the act was done.

### **Confirmation of extinguishment of native title by certain acts that are public works**

**21.(1)** This section applies to an act that is a previous exclusive possession act under section 23B(7) of the Commonwealth Native Title Act.

(2) The act extinguishes native title in relation to the land or waters on which, on completion of its construction or establishment, the public work concerned was or is situated.

(3) The extinguishment is taken to have happened when the construction or establishment of the public work started.

### **Other extinguishment provisions do not apply**

**22.** If section 20 or 21 applies to an act, sections 10 to 13AE do not apply to the act.

### **Confirmation of partial extinguishment of native title by previous non-exclusive possession acts**

**23.(1)** Subject to subsection (2), if a previous non-exclusive possession act is attributable to the State—

- (a) to the extent that the act involves the grant of rights and interests that are not inconsistent with native title rights and interests in relation to the land or waters covered by the lease concerned, the rights and interests granted, and the doing of any activity in giving effect to them, prevail over the native title rights and interests but do not extinguish them; and

---

<sup>14</sup> “Scheduled interest” is defined in s 249C of the *Native Title Act 1993* (Cwlth).

*Native Title (Queensland) Act 1993*

---

- (b) to the extent that the act involves the grant of rights and interests that are inconsistent with native title rights and interests in relation to the land or waters covered by the lease concerned—
  - (i) if, apart from this Act, the act extinguishes the native title rights and interests—the native title rights and interests are extinguished; and
  - (ii) in any other case—the native title rights and interests are suspended while the lease concerned, or the lease as renewed, remade, regranted, or extended, is in force; and
- (c) any extinguishment under this subsection is taken to have happened when the act was done.

(2) This section does not apply if the act is the grant of a pastoral lease or an agricultural lease to which section 10<sup>15</sup> applies.

(3) If this section applies to an act, sections 10 to 13AE do not apply to the act.

***Division 3—Effect of confirmation of total or partial extinguishment of native title***

**Preservation of beneficial reservations and conditions**

**24.(1)** If—

- (a) a previous exclusive possession act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
- (b) the doing of a previous exclusive possession act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity and whether or not rights of usage;

neither section 20 or 21 affects the reservation or condition or the rights or interests.

---

<sup>15</sup> Section 10 (Category A past acts that are not public works)

**(2) If—**

- (a) a previous non-exclusive possession act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
- (b) the doing of a previous non-exclusive possession act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity and whether or not rights of usage;

section 23 does not affect the reservation or condition or the rights or interests.

**Confirmation of validity of use of certain land held by State etc.**

**25.** To remove doubt, it is declared that if an act is a previous exclusive possession act because of section 23B(9C)(b) of the Commonwealth Native Title Act, the use of the land or waters concerned as mentioned in that paragraph is valid.<sup>16</sup>

**Notification**

**26.** For a previous non-exclusive possession act to which section 23F(3)(c)(ii) of the Commonwealth Native Title Act applies—

- (a) notice must be given, in the way decided in writing by the Commonwealth Minister, to any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters that will be affected by the act about the doing or proposed doing of the act, or acts of that class, in relation to the land or waters concerned; and

---

<sup>16</sup> For the authorising provision, see section 23E of the *Native Title Act 1993* (Cwlth) (Confirmation of extinguishment of native title by previous exclusive possessive acts of State or Territory).

- (b) the persons given notice must be given an opportunity to comment on the act or class of acts.<sup>17</sup>

### **Compensation**

**27.(1)** Under the Commonwealth Native Title Act, native title holders are, subject to that Act, entitled to compensation for any extinguishment under this part of their native title rights and interests.

**(2)** However, the native title holders are entitled to compensation only to the extent, if any, that the native title rights and interests were not extinguished otherwise than under this Act.

**(3)** The compensation is payable by the State.

## **PART 11—MISCELLANEOUS**

### **Declaration about compulsory acquisitions**

**144.(1)** A compulsory acquisition Act, in relation to land or waters to which it applies, is taken to expressly permit both—

- (a) the compulsory acquisition by the State of native title rights and interests; and
- (b) the compulsory acquisition by the State of non-native title rights and interests in relation to the land or waters.

**(2)** In this section—

**“compulsory acquisition Act”** means each of the following Acts—

- *Acquisition of Land Act 1967*
- *Electricity Act 1994*
- *State Development and Public Works Organization Act 1971*

---

<sup>17</sup> For the authorising provision see section 23I of the *Native Title Act 1993* (Cwlth) (Confirmation of partial extinguishment of native title by previous non-exclusive possession acts of State or Territory).

- *Transport (Gladstone East End to Harbour Corridor) Act 1996*
- *Transport Planning and Coordination Act 1994.*

### **Regulation-making power**

**145.** The Governor in Council may make regulations under this Act.

### **Section headings and attachment—Commonwealth Native Title Act**

**146.(1)** Attached to this Act is a copy of the Commonwealth Native Title Act.<sup>18</sup>

(2) The attachment does not form part of this Act.

(3) To remove doubt, it is declared that the copy of the Commonwealth Native Title Act in the attachment may be revised so that it is an accurate copy of the Commonwealth Native Title Act as enacted and as amended from time to time.

(4) A reference in a section heading to a provision of the Commonwealth Native Title Act does not form part of this Act.

## **PART 12—INTERIM PROVISIONS**

### *Division 1—Object of part*

#### **Object**

**147.** The object of this part is to make, and permit the making of, various interim provisions, pending a full review of Queensland law, to ensure—

---

<sup>18</sup> This document is not an authorised hard copy reprint. It has been released in unauthorised electronic form only. The Commonwealth Native Title Act has not been attached.

- (a) that Queensland law is consistent with standards set by the Commonwealth Native Title Act for future dealings affecting native title; and
- (b) that claims to native title can be dealt with by State-based mechanisms that are complementary to, and consistent with, the mechanisms established by the Commonwealth Native Title Act.

### ***Division 3—Mining<sup>19</sup>***

#### ***Native title holders are owners for State Mining Acts***

**152.(1)** *For the purposes of every State Mining Act, the owners of land include the holders of native title for the land.*

**(2)** *Without limiting subsection (1), the native title holders are entitled to every right and privilege of other owners of land (other than the additional rights of consent provided by a State Mining Act to the owners of reserves).*

*Example—*

*The consent rights under section 14(2)(c)(ii) of the Mineral Resources Act 1989.*

**(3)** *This section does not limit by implication the rights and interests of native title holders.*

#### ***State Mining Acts apply with prescribed changes***

**153.(1)** *To ensure that a State Mining Act is consistent with and gives effect to the objects and provisions of the Commonwealth Native Title Act, the State Mining Act applies to native title with the changes prescribed by regulation.*

**(2)** *Without limiting subsection (1), the State Mining Act applies to native title with any changes prescribed by regulation that, in the Governor in Council's opinion, are necessary or convenient to ensure—*

- (a) *that Wardens Courts become recognised State/Territory bodies;*  
*and*

---

<sup>19</sup> Division 3 (ss 152–153) had not commenced on or before the reprint date.

*Native Title (Queensland) Act 1993*

---

- (b) *that acts under the State Mining Act may be excluded from the coverage of section 26(2) (which deals with acts subject to the right to negotiate) of the Commonwealth Native Title Act in appropriate cases; and*
- (c) *that the expedited procedure in section 32 of the Commonwealth Native Title Act may apply in appropriate cases; and*
- (d) *that the State Mining Act may comply with section 43(2) (which deals with alternative right to negotiate provisions) of the Commonwealth Native Title Act.*

***Division 4—Other interim provisions*****Native title holders are owners**

**154.(1)** For the purposes of an Act prescribed by regulation, the owners of land include the holders of native title for the land.

**(2)** Without limiting subsection (1), the native title holders are entitled to every right and privilege of other owners of the land.

**(3)** This section does not limit by implication the rights or interests of native title holders.

**Interim regulation-making power**

**155.(1)** A regulation may make provision with respect to a matter necessary or convenient to be prescribed for carrying out or giving effect to the objects and provisions of this Act or the Commonwealth Native Title Act (with or without changes).

**(2)** Without limiting subsection (1), the regulation may declare that it has effect despite any Act, or a particular Act, passed before the commencement of this Act.



(3) A regulation mentioned in subsection (2) expires 1 year after it is made or on the expiry of this part, whichever is the earlier, unless it is earlier repealed.

**Expiry of part**

**156.** This part expires 2 years after all its provisions commence.

---

## ENDNOTES

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	24
3 Key . . . . .	24
4 List of legislation . . . . .	25
5 List of annotations . . . . .	25

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 April 1999. Future amendments of the Native Title (Queensland) Act 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

Key to abbreviations in list of legislation and annotations

<b>AIA</b>	=	<b>Acts Interpretation Act 1954</b>	<b>prev</b>	=	<b>previous</b>
<b>amd</b>	=	<b>amended</b>	<b>(prev)</b>	=	<b>previously</b>
<b>amdt</b>	=	<b>amendment</b>	<b>proc</b>	=	<b>proclamation</b>
<b>ch</b>	=	<b>chapter</b>	<b>prov</b>	=	<b>provision</b>
<b>def</b>	=	<b>definition</b>	<b>pt</b>	=	<b>part</b>
<b>div</b>	=	<b>division</b>	<b>pubd</b>	=	<b>published</b>
<b>exp</b>	=	<b>expires/expired</b>	<b>R[X]</b>	=	<b>Reprint No.[X]</b>
<b>gaz</b>	=	<b>gazette</b>	<b>RA</b>	=	<b>Reprints Act 1992</b>
<b>hdg</b>	=	<b>heading</b>	<b>reloc</b>	=	<b>relocated</b>
<b>ins</b>	=	<b>inserted</b>	<b>renum</b>	=	<b>renumbered</b>
<b>lap</b>	=	<b>lapsed</b>	<b>rep</b>	=	<b>repealed</b>
<b>notfd</b>	=	<b>notified</b>	<b>s</b>	=	<b>section</b>
<b>o in c</b>	=	<b>order in council</b>	<b>sch</b>	=	<b>schedule</b>
<b>om</b>	=	<b>omitted</b>	<b>sdiv</b>	=	<b>subdivision</b>
<b>p</b>	=	<b>page</b>	<b>SIA</b>	=	<b>Statutory Instruments Act 1992</b>
<b>para</b>	=	<b>paragraph</b>	<b>SL</b>	=	<b>subordinate legislation</b>
<b>prec</b>	=	<b>preceding</b>	<b>sub</b>	=	<b>substituted</b>
<b>pres</b>	=	<b>present</b>	<b>unnum</b>	=	<b>unnumbered</b>

## 4 List of legislation

### **Native Title (Queensland) Act 1993 No. 85**

date of assent 17 December 1993

ss 1–2(2) commenced on date of assent

ss 2(3)–6, pts 2–3 (ss 7–18A), pt 11 (ss 144–146), ss 162A–162E, 163A, 164–164D, 170A–170E, 171A, 172–172D and pt 13 divs 4–5 (ss 177–181) commenced 28 November 1994 (1994 SL No. 408)

ss 157–160, 161 and 162 commenced 21 December 1991 (see s 2(1), (3), 1994 SL No. 408 and 1991 SL No. 221)

ss 165–168, 169 and 170 commenced 21 December 1991 (see s 2(1), (4), 1994 SL No. 408 and 1991 SL No. 222)

ss 160A–160M, 161A–161G, 168A–168N and 169A–169G commenced 5 December 1994 (1994 SL No. 421)

pt 12 (ss 147–151, 154–156) commenced 1 June 1995 (1995 SL No. 143)

remaining provisions not yet proclaimed into force

amended by—

### **Native Title (Queensland) Amendment Act 1994 No. 61 (as amd 1995 No. 57 ss 1, 4 sch 2 (as from 24 November 1994 (see s 2(1) sch 2)))**

date of assent 24 November 1994

commenced on date of assent

### **Native Title (Queensland) Amendment Act 1995 No. 30**

date of assent 14 June 1995

commenced on date of assent

### **Justice and Other Legislation (Miscellaneous Provisions) Act 1997 No. 9 ss 1–2(1), pt 15**

date of assent 15 May 1997

commenced on date of assent

### **Native Title (Queensland) State Provisions Act 1998 No. 30**

date of assent 3 September 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 30 September 1998 (see s 2(1), 1998 SL No. 266)

## 5 List of annotations

**Preamble** amd 1994 No. 61 s 2 sch 2

### **Objects of Act**

s 3 amd 1998 No. 30 s 4

**Definitions**

- s 4** def “**accepted application notice**” sub 1995 No. 30 s 2 sch  
 def “**alternative provisions**” om 1994 No. 61 s 2 sch 2  
 def “**compensation application**” sub 1994 No. 61 s 2 sch 1  
 def “**registered native title body corporate**” ins 1994 No. 61 s 2 sch 1  
 def “**registered native title claimant**” ins 1994 No. 61 s 2 sch 2  
 def “**registered native title holder**” om 1994 No. 61 s 2 sch 1  
 def “**revised native title determination application**” amd 1994 No. 61  
 s 2 sch 1  
**s 4** sub 1998 No. 30 s 5

**Object of part**

- s 7** amd 1994 No. 61 s 2 sch 1; 1998 No. 30 s 6

**Validation of intermediate period acts attributable to State**

- s 8A** ins 1998 No. 30 s 7

**Application of remaining provisions of part**

- s 9** amd 1998 No. 30 s 8

**Division 2—Effect of validation of past acts on native title**

- div hdg** amd 1998 No. 30 s 9

**Category A past acts that are not public works**

- s 10** amd 1994 No. 61 s 2 sch 1

**Category A past acts that are public works**

- s 11** amd 1994 No. 61 s 2 sch 1

**Division 2A—Effect of validation of intermediate period acts on native title**

- div hdg** ins 1998 No. 30 s 10

**Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters**

- s 13AA** ins 1998 No. 30 s 10

**Category A intermediate period acts that are public works**

- s 13AB** ins 1998 No. 30 s 10

**Category B intermediate period acts**

- s 13AC** ins 1998 No. 30 s 10

**Category C and D intermediate period acts**

- s 13AD** ins 1998 No. 30 s 10

**Sections 13AA to 13AD apply subject to registered indigenous land use agreements**

- s 13AE** ins 1998 No. 30 s 10

**Division 2B—Effect of extinguishment under division 2 or 2A**

- div hdg** ins 1998 No. 30 s 10

**Effect of extinguishment**

- s 13A** ins 1994 No. 61 s 2 sch 1  
 amd 1998 No. 30 s 11

**Division 3—Other effects of validation under division 2 or 2A****div hdg** amd 1998 No. 30 s 12**Preservation of beneficial reservations and conditions—past acts****prov hdg** amd 1998 No. 30 s 13(1)**s 14** amd 1994 No. 61 s 2 sch 2; 1998 No. 30 s 13(2)**Preservation of beneficial reservations and conditions—intermediate period acts****s 14A** ins 1998 No. 30 s 14**Compensation****s 15** amd 1994 No. 61 s 2 sch 1  
sub 1998 No. 30 s 15**Object of part****s 16** amd 1994 No. 61 s 2 sch 1**Confirmation of access to beaches etc.****s 18** amd 1994 No. 61 s 2 sch 1**Effect of confirmation under part****s 18A** ins 1994 No. 61 s 2 sch 1  
amd 1998 No. 30 s 16**PART 4—CONFIRMATION OF TOTAL OR PARTIAL EXTINGUISHMENT OF NATIVE TITLE BY PARTICULAR PREVIOUS ACTS****pt hdg** sub 1998 No. 30 s 17**Division 1—Objects****div hdg** sub 1998 No. 30 s 17**Objects of pt 4****s 19** sub 1998 No. 30 s 17**Division 2—Confirmation of extinguishment or partial extinguishment****div hdg** sub 1998 No. 30 s 17**Confirmation of extinguishment of native title by certain acts that are not public works****s 20** sub 1998 No. 30 s 17**Confirmation of extinguishment of native title by certain acts that are public works****s 21** sub 1998 No. 30 s 17**Other extinguishment provisions do not apply****s 22** amd 1994 No. 61 s 2 sch 2  
sub 1998 No. 30 s 17**Confirmation of partial extinguishment of native title by previous non-exclusive possession acts****s 23** sub 1998 No. 30 s 17

**Division 3—Effect of confirmation of total or partial extinguishment of native title****div hdg** ins 1998 No. 30 s 17**Preservation of beneficial reservations and conditions****s 24** sub 1998 No. 30 s 17**PART 5—RECOGNISED AND ARBITRAL BODIES****pt hdg** om 1998 No. 30 s 17**Confirmation of validity of use of certain land held by State etc.****s 25** sub 1998 No. 30 s 17**Notification****s 26** sub 1998 No. 30 s 17**Compensation****s 27** sub 1998 No. 30 s 17**PART 6—HOLDING OF NATIVE TITLE****pt hdg** om 1998 No. 30 s 17**Prescribed bodies corporate and their functions****s 28** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**PART 7—APPLICATIONS ABOUT NATIVE TITLE****pt hdg** om 1998 No. 30 s 17**Division 1—Native title and compensation applications****div hdg** om 1998 No. 30 s 17**Native title and compensation applications****s 29** amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17**Form and contents of applications****s 30** om 1998 No. 30 s 17**Claims to hold title with other persons****s 31** om 1998 No. 30 s 17**Material and fees to accompany applications****s 32** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Action to be taken about applications****s 33** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Applications not complying with s 32****s 33A** ins 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**General application powers****s 34** om 1998 No. 30 s 17

**Action to be taken about accepted applications**

**s 35** amd 1994 No. 61 s 2 schs 1–2; 1995 No. 30 s 3  
om 1998 No. 30 s 17

**Special procedure for non-claimant applications**

**s 36** amd 1994 No. 61 s 2 sch 1; 1995 No. 30 s 2 sch  
om 1998 No. 30 s 17

**Parties**

**s 37** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Tribunal to decide persons whose interests may be affected**

**s 38** om 1998 No. 30 s 17

**Applications that are unopposed**

**s 39** om 1998 No. 30 s 17

**Power of Tribunal if parties reach agreement**

**s 40** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Mediation conference to be held**

**s 41** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Power of Tribunal if parties reach agreement after mediation conference**

**s 42** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Applications not settled are to be heard and determined by Tribunal**

**prov hdg** amd 1994 No. 61 s 2 sch 2  
**s 43** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 2—Right to negotiate applications**

**div hdg** om 1998 No. 30 s 17

**Right to negotiate applications**

**s 44** amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17

**Form and contents of applications**

**s 45** om 1998 No. 30 s 17

**Material and fees to accompany applications**

**s 46** om 1998 No. 30 s 17

**Action to be taken about applications**

**s 47** om 1998 No. 30 s 17

**Compensation held in trust under “right to negotiate” procedures**

**s 47A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 3—Miscellaneous****div 3 (ss 48–49)** om 1998 No. 30 s 17**PART 8—INQUIRIES AND DETERMINATIONS BY THE TRIBUNAL****pt hdg** om 1998 No. 30 s 17**Division 1—Special inquiries****div 1 (ss 50–51)** om 1998 No. 30 s 17**Division 2—Inquiries generally****div hdg** om 1998 No. 30 s 17**Inquiries****s 52** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Inquiries may cover more than 1 matter****s 53** om 1998 No. 30 s 17**Parties****s 54** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Opportunity to make submissions about evidence****s 55** om 1998 No. 30 s 17**Representation before Tribunal****s 56** om 1998 No. 30 s 17**Way in which questions are to be decided****s 57** om 1998 No. 30 s 17**Reference of questions of law to Land Appeal Court****s 58** om 1998 No. 30 s 17**Evidence and findings in other proceedings****s 59** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Power of Tribunal if proceeding is frivolous or vexatious****s 60** om 1998 No. 30 s 17**Power of Tribunal if prima facie case not made out****s 61** om 1998 No. 30 s 17**Power of Tribunal if applicant asks for dismissal of application****s 61A** ins 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Power of Tribunal if parties reach agreement during an inquiry****s 61B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Division 3—Conferences and hearings****div 3 (ss 62–71)** om 1998 No. 30 s 17



**Division 4—Determinations and reports****div hdg** om 1998 No. 30 s 17**Determination of Tribunal—native title and compensation applications****s 72** om 1998 No. 30 s 17**Determination that compensation is payable****s 73** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Determination—right to negotiate applications****s 74** amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17**Reports after special inquiries****s 75** om 1998 No. 30 s 17**Determinations and reports to be in writing****s 76** om 1998 No. 30 s 17**Decision or determination conclusive****s 77** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Division 5—Appeals****div 5 (ss 78–80)** om 1998 No. 30 s 17**Division 6—Offences****div 6 (ss 81–86)** om 1998 No. 30 s 17**Division 7—Miscellaneous****div hdg** om 1998 No. 30 s 17**Sending of documents to the Land Appeal Court****s 87** om 1998 No. 30 s 17**Return of documents etc. at end of proceeding****s 88** om 1998 No. 30 s 17**Protection of members etc.****s 89** om 1998 No. 30 s 17**Confidential information not to be disclosed****s 90** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Fees for persons giving evidence****s 91** om 1998 No. 30 s 17**PART 9—PROVISIONS ABOUT THE TRIBUNAL****pt hdg** om 1998 No. 30 s 17**Division 1—Membership****div 1 (ss 92–97)** om 1998 No. 30 s 17**Division 2—Provisions about District Court Judges****div 2 (ss 98–101)** om 1998 No. 30 s 17

**Division 3—Provisions about other members****div 3 (ss 102–108)** om 1998 No. 30 s 17**Division 4—Organisation of Tribunal****div hdg** om 1998 No. 30 s 17**Arrangement of business****s 109** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Constitution of Tribunal for exercise of powers****s 110** om 1998 No. 30 s 17**Reconstitution of Tribunal****s 111** om 1998 No. 30 s 17**Member presiding****s 112** om 1998 No. 30 s 17**Places of sitting****s 113** om 1998 No. 30 s 17**Division 5—Registrar and other officers and staff of Tribunal****div 5 (ss 114–121)** om 1998 No. 30 s 17**Division 6—Assessors****div hdg** om 1998 No. 30 s 17**Assessors****s 122** sub 1994 No. 61 s 2 sch 2 (as amd 1995 No. 57 s 4 sch 2)  
om 1998 No. 30 s 17**Appointment of assessors****s 123** om 1998 No. 30 s 17**Qualifications for appointment****s 124** om 1998 No. 30 s 17**Duration of appointment****s 125** om 1998 No. 30 s 17**Terms of appointment****s 126** om 1998 No. 30 s 17**Leave of absence****s 127** om 1998 No. 30 s 17**Resignation****s 128** om 1998 No. 30 s 17**Disclosure of interests****s 129** om 1998 No. 30 s 17**Termination of appointment****s 130** om 1998 No. 30 s 17**Division 7—Miscellaneous administrative matters****div 7 (ss 131–134)** om 1998 No. 30 s 17

**PART 10—NATIVE TITLE REGISTER****pt hdg** om 1998 No. 30 s 17**Meaning of “claim”****s 135** amd 1995 No. 30 s 2 sch  
om 1998 No. 30 s 17**Native Title Register****s 136** om 1998 No. 30 s 17**Contents of the register****s 137** amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17**Inspection of the register****s 138** om 1998 No. 30 s 17**Parts of the register may be kept confidential****s 139** om 1998 No. 30 s 17**Keeping the register****s 140** om 1998 No. 30 s 17**Register may be located in land registry****s 141** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Proper officer to notify Registrar****s 142** om 1998 No. 30 s 17**Registrar to inform National Registrar of applications etc.****s 143** om 1998 No. 30 s 17**Declaration about compulsory acquisitions****s 144** sub 1998 No. 30 s 18**No multiple compensation for essentially same act****s 144A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 18**Valid previous acts by State extinguish native title****s 144B** ins 1994 No. 61 s 3  
om 1998 No. 30 s 18**Section headings and attachment—Commonwealth Native Title Act****prov hdg** amd 1994 No. 61 s 2 sch 2**s 146** amd 1994 No. 61 s 2 sch 2**PART 12—INTERIM PROVISIONS****pt hdg** exp 2 years after pt 12 commences (see s 156)**Division 1—Object of part****div hdg** exp 2 years after pt 12 commences (see s 156)**Object****s 147** exp 2 years after pt 12 commences (see s 156)

**Division 2—Compulsory acquisition****div hdg** om 1998 No. 30 s 19**Native title rights and interests may be acquired****s 148** amd 1994 No. 61 s 2 sch 1–2  
om 1998 No. 30 s 19**Effect of acquisition on native title****s 149** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 19**Acquisition to be on just terms****s 150** amd 1994 No. 61 s 2 sch 1–2  
om 1998 No. 30 s 19**Requests for non-monetary compensation****s 151** amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 19**Division 3—Mining****div hdg** exp 2 years after pt 12 commences (see s 156)**Native title holders are owners for State Mining Acts****s 152** amd 1994 No. 61 s 2 sch 2  
exp 2 years after pt 12 commences (see s 156)**State Mining Acts apply with prescribed changes****s 153** amd 1994 No. 61 s 2 schs 1–2  
exp 2 years after pt 12 commences (see s 156)**Division 4—Other interim provisions****div hdg** exp 2 years after pt 12 commences (see s 156)**Native title holders are owners****s 154** exp 2 years after pt 12 commences (see s 156)**Interim regulation making power****s 155** amd 1994 No. 61 s 2 sch 2  
exp 2 years after pt 12 commences (see s 156)**Expiry of part****s 156** amd 1997 No. 9 s 46  
exp 2 years after pt 12 commences (see s 156)**PART 13—AMENDMENT OF ACTS****pt hdg** om 1998 No. 30 s 20**Division 1—Amendment of Aboriginal Land Act 1991****div hdg** om 1998 No. 30 s 20**Amended Act****s 157** om 1998 No. 30 s 20**Amendment of s.103 (Definitions)****s 158** om 1998 No. 30 s 20

**Insertion of new s.1.04A**

**s 159** om 1998 No. 30 s 20

**Amendment of s 2.04 (Meaning of Aboriginal land)**

**s 160** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.05 (Meaning of transferable and transferred land)**

**s 160A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.06 (Lands that are transferable lands)**

**s 160B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of ss 2.07, 2.09 and 2.10**

**s 160C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.08 (Aboriginal reserve land)**

**s 160D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.11 (Meaning of claimable and granted land)**

**s 160E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.12 (Lands that are claimable lands)**

**s 160F** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.13 (Lands that are available Crown land—general)**

**s 160G** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.15 (Tidal land)**

**s 160H** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.16 (Meaning of city or town land)**

**s 160I** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.17 (Meaning of township land)**

**s 160J** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.02 (Minister to appoint trustees)**

**s 160K** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.03 (Minister to act as soon as possible)**

**s 160L** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 3.04A**

**s 160M** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.3.06 (Existing interests)**

**s 161** om 1998 No. 30 s 20

**Amendment of s 3.07 (Interests to be endorsed on deed)**

**s 161A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.15 (Reservations of forest products and quarry material etc.)**

**s 161B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.06 (Registrar to determine whether claim duly made)**

**s 161C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.08 (Joint hearing of claims)**

**s 161D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 4.08A**

**s 161E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.17 (Resolution of conflicting claims)**

**s 161F** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 5.04A**

**s 161G** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.5.08 (Existing interests)**

**s 162** om 1998 No. 30 s 20

**Amendment of s 5.18 (Reservations of forest products and quarry materials etc.)**

**s 162A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 5.20 (National Park subject to lease to State etc.)**

**s 162B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.10 (Termination of appointment)**

**s 162C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.20 (Procedure of Tribunal)**

**s 162D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.24 (Particular powers of Tribunal)**

**s 162E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.26A**

**s 163** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.29 (Appeals to Land Appeal Court from decisions of Tribunal)**

**s 163A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.30A**

**s 164** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.31A**

**s 164A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Repeal of ss 9.05 and 9.09**

**s 164B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 9.10 (Regulations)**

**s 164C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 9.11**

**s 164D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Division 2—Amendment of Torres Strait Islander Land Act 1991**

**div hdg** om 1998 No. 30 s 20

**Amended Act**

**s 165** om 1998 No. 30 s 20

**Amendment of s.1.04 (Definitions)**

**s 166** om 1998 No. 30 s 20

**Insertion of new s.1.05A**

**s 167** om 1998 No. 30 s 20

**Amendment of s 2.03 (Meaning of Torres Strait Islander land)**

**s 168** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.04 (Meaning of transferable and transferred land)**

**s 168A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.05 (Lands that are transferable lands)**

**s 168B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.06**

**s 168C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.07**

**s 168D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.08 (Meaning of claimable and granted land)**

**s 168E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.09 (Lands that are claimable lands)**

**s 168F** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.10 (Lands that are available Crown land—general)**

**s 168G** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.12 (Tidal land)**

**s 168H** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.13 (Meaning of city or town land)**

**s 168I** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.14 (Meaning of township land)**

**s 168J** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.17 (Torres Strait area)**

**s 168K** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.02 (Minister to appoint trustees)**

**s 168L** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.03 (Minister to act as soon as possible)**

**s 168M** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 3.04A**

**s 168N** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.3.06 (Existing interests)**

**s 169** om 1998 No. 30 s 20

**Amendment of s 3.07 (Interests to be endorsed on deed)**

**s 169A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20



**Amendment of s 3.15 (Reservations of forest products and quarry material etc.)**

**s 169B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.06 (Registrar to determine whether claim duly made)**

**s 169C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.08 (Joint hearing of claims)**

**s 169D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 4.08A**

**s 169E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.17 (Resolution of conflicting claims)**

**s 169F** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 5.04A**

**s 169G** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.5.08 (Existing interests)**

**s 170** om 1998 No. 30 s 20

**Amendment of s 5.18 (Reservations of forest products and quarry material etc.)**

**s 170A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 5.20 (National Park subject to lease to State etc.)**

**s 170B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.10 (Termination of appointment)**

**s 170C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.20 (Procedure of Tribunal)**

**s 170D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.24 (Particular powers of Tribunal)**

**s 170E** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.26A**

**s 171** amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.29 (Appeals to Land Appeal Court from decisions of Tribunal)**

**s 171A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.30A**

**s 172** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.31A**

**s 172A** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Repeal of ss 9.05 and 9.09**

**s 172B** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 9.10 (Regulations)**

**s 172C** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 9.11**

**s 172D** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Division 3—Amendment of Land Act 1962**

**div hdg** om 1998 No. 30 s 20

**Amended Act**

**s 173** om 1998 No. 30 s 20

**Amendment of s.30**

**s 174** om 1998 No. 30 s 20

**Replacement of s.33A (Non-application of certain provisions of Act to members of Land Tribunal)**

**s 175** om 1998 No. 30 s 20

**Amendment of s 44**

**s 176** sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Division 4—Amendment of Acts Interpretation Act 1954**

**div hdg** om 1998 No. 30 s 20

**Amended Act**

**s 177** om 1998 No. 30 s 20

**Insertion of new s 13A**

**s 178** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 20

**Amendment of s.36 (Meaning of commonly used words and expressions)**

**s 179** om 1998 No. 30 s 20

**Division 5—Amendment of Statutory Instruments Act 1992**

**div hdg** om 1998 No. 30 s 20

**Amended Act**

**s 180** om 1998 No. 30 s 20

**Amendment of Schedule 1 (Provisions of Acts Interpretation Act 1954 that apply to Statutory Instruments)****s 181** om 1998 No. 30 s 20**PART 14—RENUMBERING OF ACT****pt hdg** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20**Renumbering of Act****s 182** ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20