



# Local Government (Aboriginal Lands) Act 1978

Reprinted as in force on 1 July 2010

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**Also see endnotes for information about—**

- **when provisions commenced**
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Queensland

# Local Government (Aboriginal Lands) Act 1978

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions . . . . .	5
<b>Part 2</b>	<b>Grant of lease</b>	
3	Grant of leases to councils . . . . .	6
3A	Extension of term . . . . .	9
4	Grant to include improvements . . . . .	9
5	Councils to be trustees . . . . .	10
<b>Part 3</b>	<b>Local government areas and councils</b>	
6	Shire of Aurukun . . . . .	10
7	Shire of Mornington . . . . .	10
8	Copies of maps to be held . . . . .	11
9	Aurukun and Mornington Shire Councils . . . . .	11
10	Application of Local Government Act . . . . .	11
12	Modification of power to dissolve shire councils . . . . .	11
<b>Part 4</b>	<b>Coordinating and advisory committees</b>	
13	Appointment of committees . . . . .	12
14	Composition of committees . . . . .	12
15	Appointment of substitute members . . . . .	13
16	Approval of nominees . . . . .	13
17	Functions of committees . . . . .	13
18	Assistance to councils . . . . .	14
<b>Part 5</b>	<b>Provisions concerning the shires and their councils</b>	
18A	Application of pt 5 . . . . .	14
19	Right of residence in shires . . . . .	14
20	Entry upon and temporary stay in shires . . . . .	16

---

21	Local laws may regulate presence in shires . . . . .	16
22	Councils may levy charge on residents of residential premises . .	17
23	Power of ejection and control . . . . .	18
24	Reason for exclusion—right of appeal . . . . .	19
25	Person not to be in shires without authority . . . . .	20
26	Preservation of Aborigines' hunting and gathering rights. . . . .	20
27	Mineral rights in shires . . . . .	20
28	Forestry rights in shires . . . . .	21
29	Restriction on councils' power over land . . . . .	21
30	Law and order in shires . . . . .	22
31	Indemnification of Aboriginal police officer for liability for tort. . . .	23
32	Appointment of chief executive officer of councils . . . . .	24
33	Roads within shires . . . . .	25
<b>Part 5A</b>	<b>Resumption of leases</b>	
33A	Definitions for pt 5A . . . . .	25
33B	Resumption of lease. . . . .	25
33C	Effect of resumption . . . . .	26
33D	Service of order in council . . . . .	26
33E	Compensation under Acquisition Act . . . . .	26
33F	Revoking a resumption. . . . .	27
33G	Compensation by Minister if resumption is revoked . . . . .	27
33H	Appeal against decision under s 33G. . . . .	28
33I	Powers of Land Court on appeal . . . . .	29
<b>Part 6</b>	<b>Miscellaneous</b>	
34	Regulation-making power. . . . .	29
<b>Part 7</b>	<b>Validating and transitional provisions</b>	
<b>Division 1</b>	<b>Validating provision</b>	
35	Validation of particular charges . . . . .	29
<b>Division 2</b>	<b>Transitional provisions for Community Services Legislation Amendment Act 2002</b>	
36	Definitions for div 2. . . . .	30
37	Law council dissolved. . . . .	30
38	Assets and liabilities. . . . .	30
39	Application to declare dry place . . . . .	31
40	Notice of proposal to declare dry place . . . . .	31
41	Notice about dry place declaration. . . . .	31
42	Dry place declaration continues in force . . . . .	32

*Local Government (Aboriginal Lands) Act 1978*


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43	Reporting requirements . . . . .	32
<b>Schedule 1</b>	<b>Conditions and reservations . . . . .</b>	<b>33</b>
<b>Schedule 2</b>	<b>Township of Aurukun . . . . .</b>	<b>35</b>
<b>Schedule 3</b>	<b>Township of Mornington Island . . . . .</b>	<b>36</b>
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	37
2	Date to which amendments incorporated . . . . .	37
3	Key . . . . .	38
4	Table of reprints . . . . .	38
5	Tables in earlier reprints . . . . .	39
6	List of legislation . . . . .	39
7	List of annotations . . . . .	42
8	Table of renumbered provisions . . . . .	53



# Local Government (Aboriginal Lands) Act 1978

[as amended by all amendments that commenced on or before 1 July 2010]

**An Act to provide for the creation of a local government area at Aurukun and a local government area at Mornington Island and for purposes connected therewith**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Local Government (Aboriginal Lands) Act 1978*.

### 2 Definitions

In this Act—

*Aboriginal land* has the meaning given by the *Aboriginal Land Act 1991*, section 10.

*Aboriginal police officer* means a person who is appointed under section 30 as a member of the Aboriginal police force for a shire.

*Acquisition Act*, for part 5A, see section 33A.

*Aurukun Reserve* means the reserve that existed for the benefit of the Aboriginal inhabitants of the State at Aurukun and that was abolished by order in council dated 6 April 1978 published in the gazette extraordinary of the same date.

*compensation claimant*, for part 5A, see section 33E(1).

*constructing authority*, for part 5A, see section 33A.

*lease*, for part 5A, see section 33A.

**liquor provisions** means—

- (a) the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 34; and
- (b) the *Liquor Act 1992*, sections 168B, 169 and 171.

**Mornington Reserve** means the reserve that existed for the use of the Aboriginal inhabitants of the State at Mornington Island and that was abolished by order in council dated 6 April 1978 published in the gazette extraordinary of the same date.

**police officer in charge**, for a shire, means the police officer in charge of a police station in the shire.

**public purpose** means—

- (a) a purpose for which land may be taken under the *Acquisition of Land Act 1967*; or
- (b) a community purpose within the meaning of the *Land Act 1994*; or
- (c) the purpose of townships.

## **Part 2**                      **Grant of lease**

### **3**                      **Grant of leases to councils**

- (1) As soon as practicable after the passing of this Act, the Governor in Council shall, subject to subsection (4), grant—
  - (a) to Council of the Shire of Aurukun, incorporated by section 4(2),<sup>1</sup> a lease of the whole of the land comprising the Shire of Aurukun declared by section 6; and
  - (b) to Council of the Shire of Mornington, incorporated by section 4(2), a lease of the whole of the land comprising the Shire of Mornington declared by section 7.

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<sup>1</sup> Previous section 4 (Incorporation of Aboriginal Councils) was omitted under the *Local Government Act 1993*, section 804 and the schedule.



- (2) The land to which such a grant relates together with improvements included in the grant is in this Act referred to as the *demised land*.
- (3) A grant pursuant to subsection (1)—
- (a) shall be made under and in accordance with this Act by way of a lease for the objects and purposes of this Act; and
  - (b) shall be subject to the conditions and reservations set out in schedule 1; and
  - (c) shall be construed in accordance with this Act; and
  - (d) save as is prescribed by subsection (9), shall not be one to which the *Land Act 1994* applies.
- (4) When making a grant pursuant to subsection (1) the Governor in Council may reserve to the Crown—
- (a) in the case of the grant to Council of the Shire of Aurukun—the right to reserve and set apart for 1 or more of prescribed public purposes, whether specified or not—
    - (i) parts of the demised land being the shaded areas shown on the plan contained in schedule 2; and
    - (ii) parts of the demised land in or adjacent to the existing township in the shire being of an aggregate area of 4ha approximately;without specifying, in relation to the parts referred to in subparagraph (ii), in the grant or in the instrument of lease evidencing the same the parts of the demised land affected by the reservation;
  - (b) in the case of the grant to Council of the Shire of Mornington—the right to reserve and set apart for 1 or more of prescribed public purposes, whether specified or not—
    - (i) parts of the demised land being the shaded areas shown on the plan contained in schedule 3; and
    - (ii) parts of the demised land in or adjacent to the existing township in the shire being of an aggregate area of 4ha approximately;

without specifying, in relation to the parts referred to in subparagraph (ii), in the grant or in the instrument of lease evidencing the same the parts of the demised land affected by the reservation;

- (c) in the case of each grant—the right to reserve and set apart for public purposes, whether specified or not, any part or parts of the demised land of an area to be specified but not exceeding 500ha in the case of the grant to Council of the Shire of Aurukun and 100ha in the case of the grant to Council of the Shire of Mornington, without specifying in the grant or in the instrument of lease evidencing the same the part or parts of the demised land affected by the reservation.
- (5) For the purposes of subsection (4)(a) and (b) a prescribed public purpose is 1 of the following purposes—
- (a) departmental and official purposes;
  - (b) educational institutions or education purposes;
  - (c) health purposes or hospitals;
  - (d) police purposes.
- (6) The reservation and setting apart of land pursuant to the right reserved under subsection (4) shall be effected by the Governor in Council by regulation and the *Land Act 1994*, chapter 3, part 1 applies to the reservation and setting apart as if the land were unallocated State land and the reservation and setting apart were authorised by that part of that Act.
- (7) On the day the regulation commences—
- (a) the land so reserved and set apart shall thereby be excised from the demised land, shall be taken to have been reserved and set apart for the public purpose specified by the regulation and may be dealt with under the *Land Act 1994*, chapter 3, part 1;
  - (b) the registrar of titles shall make all necessary entries and endorsements in and on the registers of dealings affecting land under the *Land Act 1994* and the relevant instrument of lease to evidence the excision of the land so reserved and set apart from the demised land.

- (8) Compensation in respect of the excision of land from the demised land pursuant to the right reserved under subsection (4) shall be limited to the value of any improvements on the land so excised that are not the property of the Crown.
- (9) The provisions of the *Land Act 1994* that provide for registration of grants made pursuant to that Act and of instruments of lease evidencing such grants and of other instruments affecting the same apply to a grant made pursuant to subsection (1) and to an instrument of lease evidencing the grant and any other instrument affecting the same.
- (10) The Governor in Council may grant a further lease to the Council of the Shire of Aurukun or the Council of the Shire of Mornington for such term and upon such conditions and reservations as the Governor in Council thinks fit if the Governor in Council is satisfied—
  - (a) that the terms and conditions of the lease granted to the council concerned pursuant to subsection (1) have been satisfactorily complied with; and
  - (b) that it is desirable in the light of all the circumstances existing at that time that a further lease should be granted.

### **3A Extension of term**

- (1) Despite section 3(3)(b) and schedule 1, on the date of assent of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (the *enactment day*), the term of the leases granted under section 3 is extended to the day that is 50 years after the enactment day.
- (2) Subject to subsection (1), the leases continue in force from the enactment day on the same conditions and reservations applying to the leases immediately before the enactment day.

### **4 Grant to include improvements**

A grant made pursuant to section 3(1) shall include and shall be taken to include improvements, the property of the Crown, which—

- (a) are on the land to which the grant relates at the time when the grant is made; or
- (b) are erected on the demised land after the time when the grant is made.

## **5 Councils to be trustees**

All interests in land held by the Council of the Shire of Aurukun or the Council of the Shire of Mornington shall be deemed to be held in trust for the benefit of persons who for the time being reside on any part of the land and the holder of those interests shall be deemed to be a trustee of the same for that purpose.

# **Part 3 Local government areas and councils**

## **6 Shire of Aurukun**

The area delineated on map no. LGRB 2 deposited in the department's office at Brisbane as the Shire of Aurukun is declared to be a local government area and a shire within the meaning of the *Local Government Act 2009* which, unless its name is duly altered according to law, shall be called by the name, Shire of Aurukun.

## **7 Shire of Mornington**

The area delineated on map no. LGRB 45 deposited in the department's office at Brisbane as the Shire of Mornington is declared to be a local government area and a shire within the meaning of the *Local Government Act 2009* which, unless its name is duly changed according to law, shall be called by the name, Shire of Mornington.

**8 Copies of maps to be held**

- (1) A copy of the map referred to in section 6 shall be held in the office of the chief executive of the department at Brisbane and in the office of the Council of the Shire of Aurukun.
- (2) A copy of the map referred to in section 7 shall be held in the office of the chief executive of the department at Brisbane and in the office of the Council of the Shire of Mornington.
- (3) The obligation to hold a map specified in subsections (1) and (2) in an office specified therein shall continue only until another map is substituted for that map following an alteration of the boundaries to which that map relates.

**9 Aurukun and Mornington Shire Councils**

Each of them the Council of the Shire of Aurukun and the Council of the Shire of Mornington shall be a local government within the meaning of the *Local Government Act 2009*, shall be deemed to be constituted under that Act and, subject to this Act, shall have the functions, powers, duties and obligations of a local government under that Act in respect of its area.

**10 Application of Local Government Act**

Subject to this Act, the provisions of the *Local Government Act 2009* apply to and in relation to—

- (a) the areas and shires declared by sections 6 and 7 each of which shall be deemed to be local government areas constituted under that Act; and
- (b) the councils constituted for those shires as prescribed by that Act and the bodies corporate deemed to be such councils as prescribed by this Act.

**12 Modification of power to dissolve shire councils**

The Council of the Shire of Aurukun or the Council of the Shire of Mornington may be dissolved under the *Local Government Act 2009*, only after consultation between appropriate State and Commonwealth Ministers.

## **Part 4**                      **Coordinating and advisory committees**

### **13**      **Appointment of committees**

- (1) As soon as practicable after the passing of this Act there shall be appointed and, for the prescribed period, maintained 2 committees each of which shall be called the coordinating and advisory committee.
- (2) One such committee shall be appointed for the Shire of Aurukun and the other such committee shall be appointed for the Shire of Mornington.
- (3) The prescribed period referred to in subsection (1) is 3 years commencing on the date on which the committee in question is first appointed and, if the council of the shire for which the committee is appointed requests that the committee be continued in existence, such further period or periods as the council so requests.

### **14**      **Composition of committees**

- (1) Each coordinating and advisory committee shall be comprised of—
  - (a) a representative of the Minister; and
  - (b) a representative of the Minister who administers the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*; and
  - (c) a representative of the Minister of State for the Commonwealth for Aboriginal Affairs.
- (2) Each person proposed for membership of a committee shall be nominated by the Minister whom the person is to represent and, subject to section 16, shall be appointed by the Governor in Council.
- (3) The term of appointment of each member of a committee shall be 3 years commencing on the date on which the member's appointment is notified in the gazette.

**15 Appointment of substitute members**

Upon a vacancy in the office of a member of a coordinating and advisory committee before the expiration by effluxion of time of the member's term of appointment or at any time during the term of appointment of a member of a committee another person may be appointed in the manner prescribed by section 14(2) to be a member of the committee—

- (a) in the case of a vacancy—for the balance of the term of appointment of the member in whose office the vacancy has occurred; and
- (b) in any other case—during the absence or incapacity of the member for whom the person is appointed as a substitute.

**16 Approval of nominees**

A person shall not be appointed as a member of a coordinating and advisory committee unless the person is acceptable as such to all Ministers who are entitled to nominate a proposed member.

**17 Functions of committees**

The functions of a coordinating and advisory committee are—

- (a) to assist the council of the shire for which the committee is appointed in the formulation of policy towards the control and management of the shire for which the committee is appointed; and
- (b) to assist in the fiscal management and economic planning of the shire for which the committee is appointed; and
- (c) to advise the council of the shire for which the committee is appointed with respect to local laws proposed by the council of that shire; and
- (d) to advise generally the council of the shire for which the committee is appointed on matters relevant to the interests of the residents of that shire; and

- (e) to keep the Minister, the Minister who administers the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* and the Minister of State for the Commonwealth for Aboriginal Affairs informed of matters in respect of which the committee has tendered advice or provided assistance.

## **18 Assistance to councils**

- (1) The Governor in Council may direct a Minister to provide such assistance as, in the opinion of the Governor in Council, is necessary to enable the Council of the Shire of Aurukun or the Council of the Shire of Mornington to perform its functions.
- (2) A person who is assigned to perform work by way of assistance to either council aforesaid shall be taken to be performing a function under this Act while so engaged.

## **Part 5 Provisions concerning the shires and their councils**

### **18A Application of pt 5**

This part, apart from section 32, applies only in relation to that part of the local government area of the Shire of Mornington that was the local government area of the Shire of Mornington immediately before the day that, under the *Local Government Act 1993*, part 1B, is the changeover day for the adjusted local government area of Mornington.

### **19 Right of residence in shires**

The following persons are authorised to enter, to reside in and to be in the Shire of Aurukun or the Shire of Mornington—

- (a) an Aborigine who on 5 April 1978 was lawfully entitled to reside in the Aurukun Reserve or, as the case may be, the Mornington Reserve;



*Local Government (Aboriginal Lands) Act 1978*

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- (b) a descendant of an Aborigine referred to in paragraph (a);
- (c) an Aborigine who at any time lawfully resided in the Aurukun Reserve or, as the case may be, the Mornington Reserve or in the Shire of Aurukun or, as the case may be, the Shire of Mornington and who has obtained the approval of the council of the shire concerned to return to reside in the shire;
- (d) a descendant of an Aborigine referred to in paragraph (c);
- (e) a descendant of an Aborigine who, if the Aborigine had obtained the approval of the appropriate council would be an Aborigine referred to in paragraph (c), which descendant has obtained the approval of the council of the shire concerned to reside in the shire;
- (f) a person, other than one referred to in paragraphs (a) to (e), who intermarries or has intermarried with an Aborigine who is authorised or becomes authorised to reside in the Shire of Aurukun or, as the case may be, the Shire of Mornington;
- (g) a person who seeks entry to or is in the Shire of Aurukun or, as the case may be, the Shire of Mornington for the purpose of performing or exercising in the shire a function or power under this or any other Act or under an Act of the Commonwealth, if it is necessary or desirable for the proper performance or exercise of that function or power that the person be resident in the shire and if such function or power is directed to the needs or service of the shire or of any resident in the shire;
- (h) a person who is the holder of land in the Shire of Aurukun or, as the case may be, the Shire of Mornington as trustee for a public purpose or who is the holder of a lease, licence, permit or other authority issued under any Act which in its express terms authorises the person to enter upon land that is in the Shire of Aurukun or, as the case may be, the Shire of Mornington, if it is necessary or desirable for the proper exercise of the entitlement conferred by the lease, licence, permit or other authority that the person be resident in the shire;

- (i) a person who is assisting or is acting under the direction or control of a person authorised by paragraph (g) or (h) to reside in the Shire of Aurukun or, as the case may be, the Shire of Mornington, whether or not such last mentioned person resides in the shire.

## **20 Entry upon and temporary stay in shires**

- (1) The following persons are authorised to enter and to be in the Shire of Aurukun or the Shire of Mornington and to remain therein until the purpose of their entry to the shire is fulfilled—
  - (a) the Governor-General and the Governor;
  - (b) a person whose purpose in the shire is to bring to residents of the shire religious instruction, material comforts or medical aid;
  - (c) a person whose purpose in the shire is to instruct himself or herself on affairs within the shire as a member of the Legislative Assembly or of either House of the Parliament of the Commonwealth;
  - (d) a person whose purpose in the shire is to campaign as a bona fide candidate for election to the Legislative Assembly or either House of the Parliament of the Commonwealth at an election for which a writ that requires its holding has been duly issued;
  - (e) a person who is assisting or is acting under the direction or control of a person referred to in paragraphs (a) to (d), if such last mentioned person is in the shire.
- (2) A person shall not be taken to have the purpose of bringing religious instruction to residents of either shire referred to in subsection (1) unless the person is a person or is of a class of person ordinarily used by a church or other religious organisation, which itself is recognised as such throughout Australia, as a religious instructor.

## **21 Local laws may regulate presence in shires**

- (1) Each of them the Council of the Shire of Aurukun and the Council of the Shire of Mornington may, pursuant to its

*Local Government (Aboriginal Lands) Act 1978*

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power to make local laws conferred by the *Local Government Act 2009* as modified by this Act—

- (a) make local laws that authorise persons of a class specified therein to enter, to be in or to reside in its area; and
  - (b) make local laws not inconsistent with this Act that exclude persons of a class specified therein from its area or prohibit or restrict persons of a class specified therein from entering, being in or residing in its area.
- (2) The Council of the Shire of Aurukun or the Council of the Shire of Mornington must not make a local law under subsection (1) in respect of Aboriginal land in its area unless—
- (a) the grantees of the land—
    - (i) have consented to the proposed local law; and
    - (ii) have explained to the Aboriginal people particularly concerned with the land the nature, purpose and effect of the proposed local law; and
  - (b) the Aboriginal people have been given adequate opportunity to express their views on, and are generally in agreement with, the proposed local law; and
  - (c) it has subsequently given the Aboriginal people notice of not less than 1 month of its intention to make the local law.
- (3) If land immediately before becoming Aboriginal land was subject to a local law made by the Council of the Shire of Aurukun or the Council of the Shire of Mornington under this section, the local law continues in force, but expires 1 year after the land becomes Aboriginal land.

**22 Councils may levy charge on residents of residential premises**

- (1) The Council of the Shire of Aurukun or the Council of the Shire of Mornington may, by resolution, make and levy a charge on residents of residential premises in its shire.

- (2) However, a council may exempt a resident from payment of the charge.
- (3) Without limiting subsection (2), a council may give an exemption if another rate or charge is payable in relation to the premises.

## **23 Power of ejection and control**

- (1) In addition to all other powers had by it to remove persons from land of which it is lessee, the Council of the Shire of Aurukun and the Council of the Shire of Mornington may cause its agents to summarily remove from its area—
  - (a) any person who is there without authority conferred by this Act or by the local laws of the council;
  - (b) any person—
    - (i) who belongs to a class of person that is excluded from its area by its local laws; or
    - (ii) who belongs to a class of person whose entry to its area is prohibited by its local laws; or
    - (iii) who, being a member of a class of person whose entry to, being in or residing in its area is restricted by its local laws, has contravened or failed to comply with the relevant local laws.
- (2) Any police officer, upon being requested so to do by an agent of either council referred to in subsection (1), must, if practicable, assist in the summary removal of any person under that subsection and, while so acting, is authorised to be in the shire concerned.
- (3) No liability shall attach to any police officer by reason only of the fact that a person in whose removal from an area the police officer has assisted should not have been so removed.
- (4) It is lawful to use reasonable force in the exercise of the power conferred by subsection (1) and in assisting therein.
- (5) A person who is lawfully removed from the Shire of Aurukun or from the Shire of Mornington and who at the time of the person's removal was qualified to be nominated as a candidate and to be elected as mayor or councillor of the local

government of the shire shall, after the person's removal, not be qualified to be nominated as a candidate or to be elected or appointed or to act as mayor or councillor of that local government unless the person becomes a resident in the shire, duly authorised according to law.

## **24 Reason for exclusion—right of appeal**

- (1) If any person is refused entry to or is prevented from entering upon or remaining in the Shire of Aurukun or the Shire of Mornington the council of the shire concerned shall, on the demand of that person, cause to be given to the person a notice in writing that sets out the reason for the refusal or prevention.
- (2) A person who is refused entry to or is prevented from entering upon or remaining in a shire referred to in subsection (1) and who claims to be authorised by this Act or local laws referred to in section 21 to enter, be in or reside in the shire may appeal in respect of such refusal or prevention by written application to a magistrate who for the time being is appointed as a local government (Aboriginal lands) appeals magistrate.
- (3) The Governor in Council may appoint such number of magistrates as the Governor in Council thinks fit to be local government (Aboriginal lands) appeals magistrates as the Governor in Council thinks fit.
- (4) Upon an application referred to in subsection (2) having been made the magistrate may require the applicant and the council of the shire to which the application relates to furnish such information as the magistrate deems necessary to enable the magistrate to determine the matter of the application.
- (5) Upon receipt of the information sought or in default of any such information being furnished within a time specified by the magistrate, when the magistrate is satisfied of the facts of the case, the magistrate may make such order as appears to the magistrate to be in accordance with law.
- (6) The order of the magistrate—
  - (a) shall be final; and

- (b) shall bind the applicant and the council of the shire concerned and its agents; and
- (c) shall be given effect.

## **25 Person not to be in shires without authority**

- (1) A person shall not be in the Shire of Aurukun or the Shire of Mornington unless the person is authorised by this Act or local laws of the council of the shire.
- (2) A person who is authorised to enter, be in or reside in either of them the Shire of Aurukun or the Shire of Mornington shall not, by reason of that authority alone, be authorised to enter, be in or reside in the other of the said shires.

## **26 Preservation of Aborigines' hunting and gathering rights**

- (1) Subject to the *Nature Conservation Act 1992*, sections 62 and 93, but despite the provisions of any other Act, an Aborigine who lawfully resides in the Shire of Aurukun or the Shire of Mornington—
  - (a) may capture, have in possession, and kill within the shire any specimen of native fauna and consume the same to the extent necessary for the sustenance of the Aborigine and members of the Aborigine's family or household;
  - (b) may gather, dig and remove forest products, quarry material and similar material within the shire to the extent that the Aborigine requires the same for the Aborigine's domestic use.
- (2) An Aborigine must not enter Aboriginal land for a purpose mentioned in subsection (1) unless the Aborigine is entitled or permitted to enter the land under Aboriginal tradition.

## **27 Mineral rights in shires**

From a grant made pursuant to section 3(1) there shall be reserved to the Crown—

- (a) all gold and minerals within the meaning of the *Mineral Resources Act 1989* and all mines of gold and minerals on or below the surface of the demised land;
- (b) all petroleum within the meaning of the *Petroleum Act 1923* on or below the surface of the demised land;
- (c) the free right of access, including ingress, egress and regress into, upon, over and out of the demised land for the purpose of searching for or working gold and minerals or mines of gold or minerals or of searching for or conducting the operations of obtaining petroleum;
- (d) all rights of way for access and for pipe lines and conveyors and for other purposes requisite for obtaining and conveying petroleum, gold, minerals, ore and other material from the demised land.

## **28 Forestry rights in shires**

- (1) From a grant made pursuant to section 3(1) there shall be reserved to the Crown all forest products and quarry material within the meaning of the *Forestry Act 1959*, which Act shall apply to the demised land as if it were a Crown holding within the meaning of that Act.
- (2) Notwithstanding the provisions of the *Forestry Act 1959* the Council of the Shire of Aurukun and the Council of the Shire of Mornington may authorise the gathering, digging and removal of forest products and quarry material on or in the demised land for the purpose of improving the demised land or of using the same on the demised land and the same may be gathered, dug and removed to the extent duly authorised without the payment of royalty in respect thereof.

## **29 Restriction on councils' power over land**

Notwithstanding the provisions of the *Local Government Act 2009*, the Council of the Shire of Aurukun or the Council of the Shire of Mornington is not empowered—

- (a) to sublet the land to which a grant made pursuant to section 3(1) relates or any part of the demised land or to

- create any interest in the demised land or any part thereof less than the interest held by it under such grant;
- (b) to sell or otherwise dispose of the interest in the demised land held by it under such grant;
  - (c) to grant any licence to occupy or other right to exclusive possession in the demised land or any part thereof;
  - (d) to mortgage or otherwise charge the interest in the demised land held by it under such grant;
  - (e) to subdivide or agree to the subdivision of the demised land or any part thereof;
  - (f) to acquire or hold land or any interest in land otherwise than as provided in section 3(1);

save in accordance with proposals submitted by the council or, as the case may be, the body corporate to the Minister and approved by the Governor in Council.

### **30 Law and order in shires**

- (1) For the purposes of any law that confers powers exercisable in public places the Shire of Aurukun and the Shire of Mornington shall be deemed to be public places except for such parts thereof as are used by a resident therein as the resident's residence or place of business.
- (2) Persons exercising or about to exercise such powers or any of them are authorised to be in the shire in which the exercise is occurring or is about to occur.
- (3) The function of maintaining peace and good order in all parts of the demised land in the Shire of Aurukun or the Shire of Mornington shall be that of persons who are appointed, for the time being, as Aboriginal police for the shire pursuant to subsection (4).
- (4) The council of each of the shires aforesaid may, subject to the approval of the Minister for Police, appoint such number of persons as it considers necessary for the peace and good order of the shire to be Aboriginal police for the shire and shall equip such persons appointed with a uniform and such other marks of authority as it thinks fit to enable such persons to perform their function.



- (5) Aboriginal police appointed for a shire shall have and may exercise, within the area of their jurisdiction prescribed by subsection (3), such powers as are conferred on them by this Act or local law of the council of the shire, and if at any time a police officer is stationed in the shire or is in the shire in execution of the police officer's duty they shall perform their function and exercise their powers subject to the direction and control of such police officers.
- (6) Also, for the administration and enforcement of the liquor provisions in a shire, the police officer in charge for the shire may authorise an Aboriginal police officer to exercise in the area the powers of—
  - (a) an investigator under the *Liquor Act 1992*, part 7;<sup>2</sup> or
  - (b) a police officer under the *Police Powers and Responsibilities Act 2000*, sections 60 to 62.
- (7) For subsection (6)(b), the *Police Powers and Responsibilities Act 2000*, sections 60 to 62, apply as if a reference in the sections to a police officer were a reference to an Aboriginal police officer.
- (8) It is lawful for a person charged by subsection (3) with the maintenance of peace and good order to use reasonable force in the performance of that function.

### **31 Indemnification of Aboriginal police officer for liability for tort**

- (1) If—
  - (a) an Aboriginal police officer incurs legal liability for committing a tort while acting, or purporting to act, in the execution of duty as an officer; and
  - (b) the officer acted honestly and without gross negligence;the State may indemnify the officer for the liability.
- (2) If—

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<sup>2</sup> For exercise of powers by Aboriginal police officers under the *Liquor Act 1992*, part 7, see section 174A (Powers of community police officers) of that Act.

- (a) an Aboriginal police officer incurs legal liability for helping, directly or indirectly, a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to be an emergency; and
- (b) the officer acted honestly and without gross negligence; the State must indemnify the officer for the liability.

### **32 Appointment of chief executive officer of councils**

- (1) Until a date to be appointed by the Governor in Council on the recommendation of the Minister made after consultation with the Minister for Aboriginal and Island Affairs and the Minister of State for the Commonwealth for Aboriginal Affairs, a person appointed by the Council of the Shire of Aurukun or the Council of the Shire of Mornington or by a body corporate deemed to be such a council to be chief executive officer of the shire shall be taken not to be such chief executive officer unless, before the person's appointment the person was approved for such appointment by the Minister after such consultation as aforesaid.
- (2) Subject to subsection (1), the appointment of a person as chief executive officer of the Shire of Aurukun or, as the case may be, the Shire of Mornington shall be taken to have been duly made under the *Local Government Act 2009* and the appointee shall be taken to be chief executive officer of the shire notwithstanding that the appointee has not the qualifications required of such a chief executive officer by that Act.
- (3) If at any time the Council of the Shire of Aurukun or the Council of the Shire of Mornington or a body corporate deemed to be such a council fail to duly appoint a person to be chief executive officer of the shire, the person nominated by the Governor in Council to perform the duties of chief executive officer of the shire in question shall be taken to be such chief executive officer while the person continues to perform such duties.

**33 Roads within shires**

- (1) A road constructed or formed within the Shire of Aurukun or the Shire of Mornington, whether before or after the commencement of the *Local Government (Aboriginal Lands) Act Amendment Act 1978* shall be deemed to be a road dedicated to public use and to be a road within the meaning of—
- (a) the *Transport Infrastructure Act 1994*; or
  - (b) the *Transport Operations (Road Use Management) Act 1995*; or
  - (c) any other Act the application of which in or in relation to any place depends upon that place being a road or part of a road.
- (2) No person shall be entitled to be on a road referred to in subsection (1) by reason of that subsection unless the person is authorised by some other provision of this Act to be in the Shire of Aurukun or, as the case may be, the Shire of Mornington at the material time.

**Part 5A Resumption of leases****33A Definitions for pt 5A**

In this part—

*Acquisition Act* means the *Acquisition of Land Act 1967*.

*compensation claimant* see section 33E(1).

*constructing authority* means a constructing authority under the *Acquisition Act*.

*lease* means a lease granted under section 3(1).

**33B Resumption of lease**

- (1) A lease or part of a lease may be resumed by order in council.

- (2) However, a lease or part of a lease may be resumed only for a relevant purpose.
- (3) The resumption may be for any constructing authority.
- (4) An order in council under subsection (1) is not subordinate legislation.
- (5) In this section—

*relevant purpose* means any purpose for which land may be taken under the Acquisition Act by a constructing authority, other than a purpose under—

  - (a) the *State Development and Public Works Organisation Act 1971*; or
  - (b) the *Petroleum and Gas (Production and Safety) Act 2004*.

### **33C Effect of resumption**

If a lease or part of a lease is resumed under this part, the land the subject of the interest comprising the lease or the part of the lease becomes unallocated State land and is free of any interest or obligation arising under the lease.

### **33D Service of order in council**

- (1) The Minister must, immediately after the order in council is gazetted, serve a copy of it on each person who has a registered interest in the lease affected by the resumption.
- (2) However, failure to comply with subsection (1) does not affect the validity of the order in council.

### **33E Compensation under Acquisition Act**

- (1) Each person who has a lawful interest in the lease or the part of the lease that is resumed (a *compensation claimant*) has a right to claim compensation, under the Acquisition Act, section 12(5), (5A) and (5B) and part 4, as if the interest had been taken under that Act.
- (2) For subsection (1), the Acquisition Act applies with the following changes—

- (a) a reference to a constructing authority is a reference to the State;
  - (b) a reference to the owner of land is a reference to the lessee of the lease affected by the resumption;
  - (c) for section 24(2A) of the Act, a compensation claimant refers the claim for compensation to the Land Court by filing in the office of the registrar of the court—
    - (i) a copy of the claim given by the claimant to the State; and
    - (ii) a copy of the order in council that effected the resumption;
  - (d) the reference in section 24(5) of the Act to the date of the gazette containing the gazette resumption notice taking the land is taken to be a reference to the date the order in council was gazetted;
  - (e) any other necessary changes.
- (3) This section does not apply to a compensation claimant entitled to claim compensation under section 33G.

### **33F Revoking a resumption**

- (1) The resumption may be revoked by repealing the order in council effecting the resumption.
- (2) The revocation may be made only before compensation has been paid or decided by the Land Court under the Acquisition Act as applied under section 33E.
- (3) On repeal of the order in council, the resumption is taken not to have happened.

### **33G Compensation by Minister if resumption is revoked**

- (1) If the resumption is revoked—
  - (a) a compensation claimant is entitled to apply to the Minister for compensation only for the loss, reasonable costs and expenses incurred by the claimant in relation to the resumption before it was revoked; and

- (b) the amount of compensation payable to the compensation claimant is the amount decided by the Minister that the Minister considers just and reasonable.
- (2) The Minister must give notice of the decision about payment of compensation under this section to the compensation claimant.
- (3) If the Minister has not decided an application for compensation under this section within 28 days after receiving the application, the Minister is taken to have decided to refuse to pay any compensation.
- (4) If the Minister refuses to pay compensation or decides an amount of compensation less than the amount sought by the compensation claimant, the notice of the decision must state—
  - (a) the reasons for the decision; and
  - (b) that the compensation claimant may appeal to the Land Court against the decision within 28 days of receiving the notice; and
  - (c) how to appeal.

### **33H Appeal against decision under s 33G**

- (1) A person the subject of a decision under section 33G about an amount payable to the person may appeal to the Land Court against the decision.
- (2) An appeal is started by filing written notice of appeal with the registrar of the Land Court.
- (3) The person must give a copy of the notice of appeal to the chief executive.
- (4) The notice of appeal must be filed within 28 days after the person receives notice of the decision.
- (5) However, the Land Court may, at any time within the 28 days, extend the period for making the appeal.
- (6) The appeal is by way of rehearing, unaffected by the decision, on the material before the Minister and any further evidence allowed by the Land Court.

**33I Powers of Land Court on appeal**

- (1) In deciding the appeal, the Land Court has the same powers as the Minister.
- (2) The Land Court may—
  - (a) confirm the decision; or
  - (b) set aside the decision and substitute another decision; or
  - (c) set aside the decision and return the issue to the Minister with directions the court considers appropriate.
- (3) If the Land Court substitutes another decision, the substituted decision is, other than for the purpose of an appeal under this part, taken to be the decision of the Minister.

**Part 6 Miscellaneous****34 Regulation-making power**

The Governor in Council may make regulations under this Act.

**Part 7 Validating and transitional provisions****Division 1 Validating provision****35 Validation of particular charges**

- (1) This section applies to a charge that, before the commencement of this section, the Council of the Shire of Aurukun or the Council of the Shire of Mornington, by resolution, purported to make and levy on residents in its shire.

- (2) On the commencement, the charge is taken to be, and to always have been, validly made and levied.

## **Division 2                      Transitional provisions for Community Services Legislation Amendment Act 2002**

### **36            Definitions for div 2**

In this division—

*community justice group* means the community justice group established under the *Community Services (Aborigines) Act 1984*, part 3A,<sup>3</sup> for the Shire of Aurukun.

*law council* means the Aurukun Alcohol Law Council established under the repealed part.

*new dry place provisions* means the *Community Services (Aborigines) Act 1984*, part 3B.<sup>4</sup>

*repeal* means the repeal of part 6 of this Act by the *Community Services Legislation Amendment Act 2002*.

*repealed part* means part 6 of this Act as in force before its repeal.

*shire council* means the Council of the Shire of Aurukun.

### **37            Law council dissolved**

On the repeal, the law council is dissolved.

### **38            Assets and liabilities**

On the repeal, assets and liabilities of the law council immediately before the repeal vest in the shire council.

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3    *Community Services (Aborigines) Act 1984*, part 3A was renumbered as part 5 under that Act, section 87.

4    *Community Services (Aborigines) Act 1984*, part 3B was renumbered as part 6 under that Act, section 87.



**39 Application to declare dry place**

- (1) This section applies if, before the repeal—
  - (a) an application under the repealed part for a place to be declared to be a dry place had been made to the law council; and
  - (b) the law council had not given notice of the proposal under the repealed part.
- (2) The community justice group must deal with the application under the new dry place provisions as if the application were made under the provisions.

**40 Notice of proposal to declare dry place**

- (1) This section applies if, before the repeal, the law council—
  - (a) had, under the repealed part, given notice of a proposal to declare a place to be a dry place; but
  - (b) had not, under the repealed part, declared the place to be a dry place.
- (2) The community justice group must deal with the matter, including, considering any objections and submissions to the proposal, under the new dry place provisions as if the proposal were made and notified under the provisions.

**41 Notice about dry place declaration**

- (1) This section applies if, before the repeal, the law council—
  - (a) had, under the repealed part, declared a place to be a dry place; but
  - (b) had not, under the repealed part, displayed notice of the declaration.
- (2) The declaration is taken to be a declaration by the community justice group, under the new dry place provisions, of the place as a dry place and the community justice group must display notice of the declaration under the provisions as if it were made under the provisions.

**42 Dry place declaration continues in force**

- (1) This section applies if—
  - (a) under the repealed part, the law council declared a place to be a dry place; and
  - (b) the declaration was in force immediately before the repeal.
- (2) The declaration is taken to be a declaration by the community justice group, under the new dry place provisions, of the place as a dry place.

**43 Reporting requirements**

- (1) Within 30 days after the repeal, the chief executive officer of the Shire of Aurukun must—
  - (a) prepare a report on the law council's activities for the reporting period; and
  - (b) give the report to the shire council.
- (2) As soon as practicable after giving the report to the shire council, the chief executive officer must—
  - (a) publish a notice in a newspaper circulating generally in the shire; and
  - (b) display a notice in a prominent place in the township of Aurukun.
- (3) The notices must advise that copies of the report are open for inspection, or available, free of charge at the shire council's office.
- (4) The shire council's annual report prepared under the *Local Government Act 2009* for the financial year that includes the reporting period must contain the chief executive officer's report.
- (5) In this section—

**reporting period** means the period starting on the first day of the financial year after the last financial year for which a report was prepared under repealed section 56 and ending on the day before the repeal.

## **Schedule 1            Conditions and reservations**

### section 3(3)

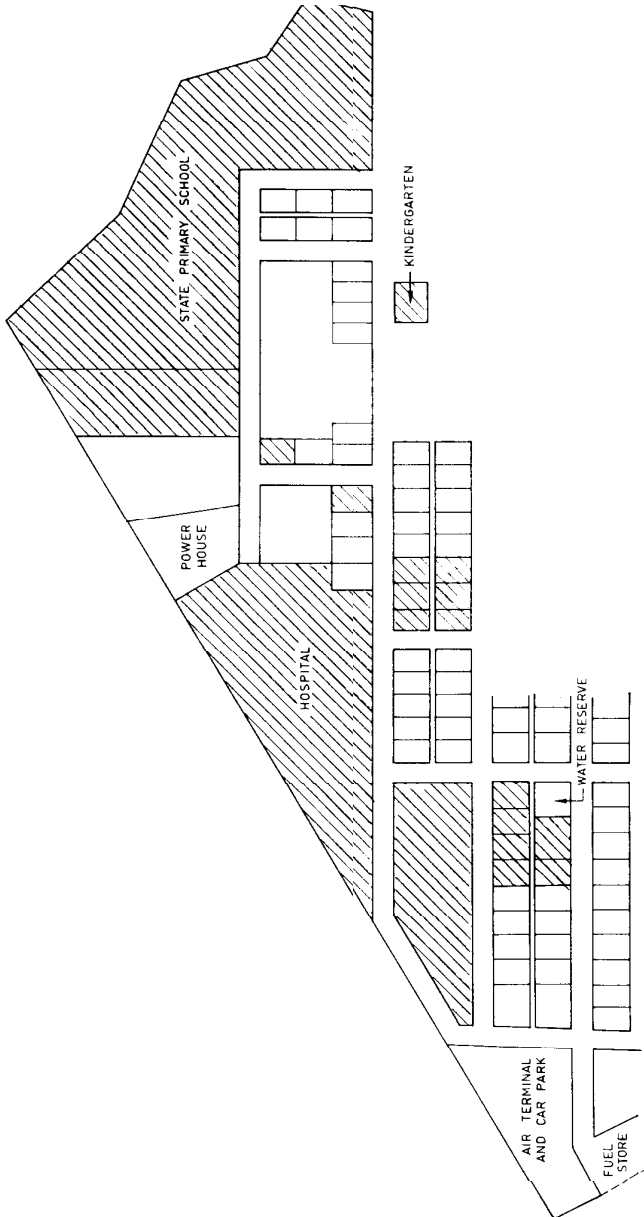
- 1 The term shall be 50 years commencing on the date of the grant.
- 2 The rent shall be \$1 per year, if demanded.
- 3 The area of the demised land shall be defined in the instrument of lease by reference to approximate distances and compass readings and by reference to a map deposited in the department in Brisbane.
- 4 The boundary of the demised land shall extend to and shall be the high water mark at mean spring tides of the main sea.
- 5 The lessee shall maintain the airstrip on the demised land in good order and condition and shall permit the use of the airstrip by commercial aircraft and by other aircraft on reasonable terms and conditions.
- 6 The lessee shall maintain the demised land free from noxious plants and animal pests.
- 7 The lessee shall not interfere with forest products or remove quarry material within the meaning of those terms in the *Forestry Act 1959* on or in the demised land without the Minister's permission except under the authority of the *Local Government (Aboriginal Lands) Act 1978* or under the authority of and in accordance in every respect with a permit, licence, agreement or contract granted or made under the *Forestry Act 1959*.
- 8 The lease shall be subject to such reservations as are authorised by the *Local Government (Aboriginal Lands) Act 1978* and are specified in the instrument of lease and to such reservations as are required by that Act, whether or not so specified.
- 9 The lease shall contain such provisions as the Governor in Council considers necessary to secure, for the benefit of Aborigines who reside on the demised land, preservation of

**Schedule 1 (continued)**

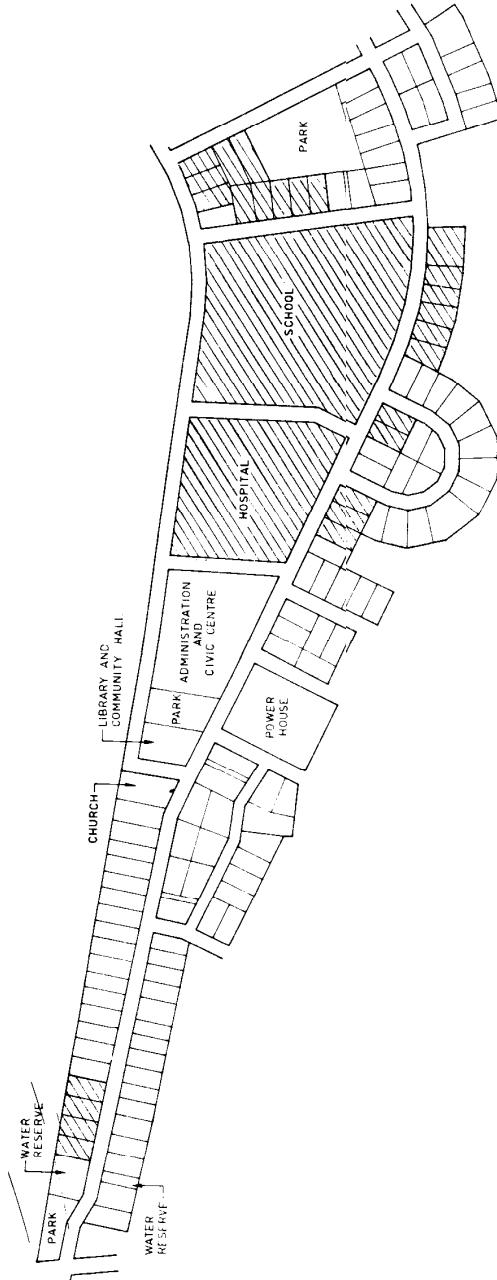
their traditional rights, use and occupancy of the demised land enjoyed by them as at 6 April 1978.

- 10 Such other conditions and reservations as the Governor in Council thinks fit to provide for any matter not inconsistent with the conditions or reservations set out in this schedule or with the *Local Government (Aboriginal Lands) Act 1978*.

# Schedule 2 Township of Aurukun



# Schedule 3 Township of Mornington Island



## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	37
3 Key . . . . .	38
4 Table of reprints . . . . .	38
5 Tables in earlier reprints . . . . .	39
6 List of legislation . . . . .	39
7 List of annotations . . . . .	42
8 Table of renumbered provisions . . . . .	53

### 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 1 July 2010. Future amendments of the Local Government (Aboriginal Lands) Act 1978 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1 rv	1993 Act No. 70	26 March 1994	27 May 1994
2 rv	1995 Act No. 58	1 December 1995	7 June 1996
2A rv	1999 Act No. 19	30 April 1999	4 June 1999
2B rv	1999 Act No. 30	16 June 1999	15 July 1999
2C rv	1999 Act No. 59	1 December 1999	14 December 1999
2D rv	2000 Act No. 5	1 July 2000	4 July 2000
3 rv	2001 Act No. 45	15 July 2001	31 July 2001
3A rv	2002 Act No. 17	17 May 2002	29 May 2002

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Reprint No.	Amendments included	Effective	Notes
3B rv	2002 Act No. 46	24 September 2002	
4	2002 Act No. 46	30 December 2002	
4A rv	—	31 December 2003	provs exp 30 December 2003
4B	2004 Act No. 5	13 May 2004	
4C	2004 Act No. 53	29 November 2004	



Reprint No.	Amendments included	Effective	Notes
4D	2004 Act No. 37	1 January 2005	
4E	2006 Act No. 31	1 June 2006	
4F rv	2000 Act No. 5 (amd 2006 Act No. 26)	21 July 2006	R4F rv withdrawn, see R5
5	—	21 July 2006	
5A	2007 Act No. 59	15 March 2008	
5B	2008 Act No. 30	1 July 2008	
5C	2008 Act No. 29	18 July 2008	
5D	2009 Act No. 46	3 November 2009	
5E	2009 Act No. 17	1 July 2010	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1, 2
Corrected minor errors	2
Obsolete and redundant provisions	1, 2
Renumbered provisions	1

## 6 List of legislation

### **Local Government (Aboriginal Lands) Act 1978 No. 6**

date of assent 22 May 1978  
commenced on date of assent

amending legislation—

### **Local Government (Aboriginal Lands) Act Amendment Act 1978 No. 87 pt 2**

date of assent 15 December 1978  
commenced 18 January 1979 (proc pubd gaz 13 January 1979 p 88)

### **Local Government (Aboriginal Lands) Act Amendment Act 1981 No. 106**

date of assent 16 December 1981  
commenced on date of assent

### **Local Government (Aboriginal Lands) Act Amendment Act 1990 No. 76**

date of assent 2 November 1990  
commenced on date of assent

### **Aboriginal and Torres Strait Islander Land (Consequential Amendments) Act 1991 No. 76 pts 1, 9**

date of assent 21 November 1991  
ss 1–2 commenced on date of assent  
remaining provisions commenced 21 December 1991 (1991 SL No. 223)

**Nature Conservation Act 1992 No. 20 ss 1–2, 159 sch 2 (this Act is amended, see amending legislation below)**

date of assent 22 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 19 December 1994 (1994 SL No. 472)

amending legislation—

**Nature Conservation Amendment Act 1994 s 2 sch (amends 1992 No. 20 above)**

date of assent 14 September 1994

commenced on date of assent

**Local Government Act 1993 No. 70 ss 1–2, 804 sch**

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

**Local Government (Aboriginal Lands) Amendment Act 1995 No. 16**

date of assent 11 April 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1995 (1995 SL No. 326)

**Statute Law (Minor Amendments) Act 1995 No. 50 ss 1, 3 sch**

date of assent 22 November 1995

commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

**Local Government Legislation Amendment Act (No. 3) 1997 No. 76 pts 1, 4**

date of assent 1 December 1997

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch**

date of assent 30 April 1999

commenced on date of assent

**Local Government and Other Legislation Amendment Act 1999 No. 30 ss 1, 2(4), pt 5**

date of assent 16 June 1999

commenced on date of assent (see s 2(4))

**Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3**

date of assent 2 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (see s 2(1))

**Local Government and Other Legislation Amendment Act (No. 2) 1999 No. 59 ss 1, 2(7) pt 10**

date of assent 29 November 1999

commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 3**

date of assent 23 March 2000

ss 1–2, 373 commenced on date of assent (see s 2(2))

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

**Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3**

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

**Revenue and Other Legislation Amendment Act 2002 No. 17 ss 1, 2(8), pt 8**

date of assent 17 May 2002

commenced on date of assent (see s 2(8))

**Community Services Legislation Amendment Act 2002 No. 46 pts 1, 4, s 33(2) sch**

date of assent 24 September 2002

ss 1–2 commenced on date of assent

ss 34, 36, 38–39 commenced 30 December 2002 (2002 SL No. 380)

remaining provisions commenced on date of assent

**Aurukun Associates Agreement Repeal Act 2004 No. 5 ss 1, 8 sch**

date of assent 13 May 2004

commenced on date of assent

**Local Government (Community Government Areas) Act 2004 No. 37 ss 1–2, 86 sch 1**

date of assent 27 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2005 (2004 SL No. 266)

**Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004

commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 s 810 sch 4 (prev s 459A sch 3A)  
(this Act is amended, see amending legislation below)**

amending legislation—

**Police Powers and Responsibilities and Other Acts Amendment Act 2006  
No. 26 ss 1–2, 84, 86 (amends 2000 No. 5 above)**

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 21 July 2006 (2006 SL No. 185)

**Mineral Resources and Other Legislation Amendment Act 2006 No. 31 s 1, pt 3**

date of assent 1 June 2006

commenced on date of assent

**Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007 No. 59 pts 1, 10**

date of assent 22 November 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 15 March 2008 (2007 SL No. 336)

**Aboriginal and Torres Strait Islander Land Amendment Act 2008 No. 29 pts 1, 5**

date of assent 21 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 18 July 2008 (2008 SL No. 233)

**Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008 No. 30 ss 1–2(1), pt 4**

date of assent 21 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (see s 2(1))

**Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

**South-East Queensland Water (Distribution and Retail Restructuring) and Natural Resources Provisions Act 2009 No. 46 s 1, ch 7 pt 3**

date of assent 3 November 2009

commenced on date of assent

## 7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 8.

**Definitions****prov hdg** sub 1995 No. 16 s 4(1)**s 2** prev s 2 amd 1981 No. 106 s 2

om R1 (see RA s 36)

pres s 2 amd 1993 No. 70 s 804 sch

def “**Aboriginal council**” sub 1995 No. 58 s 4 sch 1

om 2004 No. 37 s 86 sch 1

def “**Aboriginal land**” ins 1991 No. 76 s 41def “**Aboriginal police officer**” ins 1995 No. 16 s 4(3)def “**Aborigine**” om 1993 No. 70 s 804 schdef “**Acquisition Act**” ins 2008 No. 29 s 69def “**compensation claimant**” ins 2008 No. 29 s 69def “**constructing authority**” ins 2008 No. 29 s 69def “**lease**” ins 2008 No. 29 s 69def “**liquor**” ins 1981 No. 106 s 3

om 1995 No. 16 s 4(2)

def “**liquor provisions**” ins 2002 No. 46 s 34

amd 2004 No. 53 s 2 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 87; 2008

No. 30 s 38

def “**Minister**” om 1993 No. 70 s 804 sch  
 def “**police officer in charge**” ins 2002 No. 46 s 34  
 def “**public purpose**” ins 1995 No. 58 s 4 sch 1  
 def “**public purposes**” om 1995 No. 58 s 4 sch 1

**PART 2—GRANT OF LEASE**

**pt hdg** amd 2004 No. 37 s 86 sch 1

**Grant of leases to councils**

**s 3** amd 1978 No. 87 s 5; 1995 No. 58 s 4 sch 1

**Extension of term**

**s 3A** ins 2009 No. 46 s 117

**Grant to include improvements**

**s 4** prev s 4 om 1993 No. 70 s 804 sch  
 pres s 4 amd 1978 No. 87 s 6

**Councils to be trustees**

**s 5** prev s 5 om 1993 No. 70 s 804 sch  
 pres s 5 amd 2002 No. 46 s 33(2) sch

**Shire of Aurukun**

**s 6** amd 1993 No. 70 s 804 sch; 1995 No. 58 s 4 sch 1; 2009 No. 17 s 331 sch 1

**Shire of Mornington**

**s 7** amd 1995 No. 58 s 4 sch 1; 2009 No. 17 s 331 sch 1

**Copies of maps to be held**

**s 8** amd R1 (see RA s 39)

**Aurukun and Mornington Shire Councils**

**s 9** amd 1978 No. 87 s 7; 1993 No. 70 s 804 sch; 2009 No. 17 s 331 sch 1

**Application of Local Government Act**

**s 10** amd 1995 No. 58 s 4 sch 1; 2009 No. 17 s 331 sch 1

**Special accounting provision for particular payments**

**s 11** ins 2002 No. 46 s 35  
 amd 2004 No. 53 s 2 sch  
 om 2008 No. 30 s 39

**Modification of power to dissolve shire councils**

**s 12** sub 1993 No. 70 s 804 sch  
 amd 1999 No. 30 s 26; 2009 No. 17 s 331 sch 1

**Incorporated bodies deemed to be shire councils**

**s 13** prev s 13 om 1993 No. 70 s 804 sch

**Composition of committees**

**s 14** amd 1995 No. 58 s 4 sch 1; 2002 No. 46 s 33(2) sch; 2004 No. 37 s 86 sch 1;  
 2007 No. 59 s 88

**Special accounting provision for particular payments**

**s 15** prev s 15 om 1993 No. 70 s 804 sch

**Functions of committees**

s 17            amd 1995 No. 58 s 4 sch 1; 2002 No. 46 s 33(2) sch; 2004 No. 37 s 86 sch 1;  
                  2007 No. 59 s 89

**Assistance to councils**

s 18            amd 1995 No. 58 s 4 sch 1

**Application of pt 5**

s 18A          ins 2007 No. 59 s 90

**Right of residence in shires**

s 19            amd 1978 No. 87 s 8

**Local laws may regulate presence in shires**

s 21            amd 1991 No. 76 s 42; 2002 No. 46 s 33(2) sch; 2009 No. 17 s 331 sch 1

**Councils may levy charge on residents of residential premises**

s 22            ins 1999 No. 59 s 56  
                  amd 2004 No. 53 s 2 sch

**Power of ejection and control**

s 23            amd 1978 No. 87 s 9; 2000 No. 5 s 373 sch 3

**Reason for exclusion—right of appeal**

s 24            amd 1995 No. 58 s 4 sch 1

**Preservation of Aborigines' hunting and gathering rights**

s 26            amd 1991 No. 76 s 43; 1992 No. 20 s 159 sch 2 (amd by 1994 No. 42 s 2 sch)

**Mineral rights in shires**

s 27            amd 1995 No. 16 s 5; 2004 No. 5 s 8 sch; 2006 No. 31 s 8

**Restrictions on councils' power over land**

s 29            amd 2002 No. 46 s 33(2) sch; 2009 No. 17 s 331 sch 1

**Law and order in shires**

s 30            amd 1995 No. 16 s 6; 2002 No. 46 s 36; 2000 No. 5 s 810 sch 4 (amd 2006  
                  No. 36 s 86)

**Indemnification of Aboriginal police officer for liability for tort**

s 31            ins 1995 No. 16 s 7

**Appointment of chief executive officer of councils**

s 32            amd 2009 No. 17 s 331 sch 1

**Roads within shires**

s 33            (prev s 37) ins 1978 No. 87 s 12  
                  renum 1981 No. 106 s 5  
                  amd 1993 No. 70 s 804 sch; 1995 No. 16 s 11; 1999 No. 42 s 54(3) sch pt 3

**PART 5A—RESUMPTION OF LEASES**

pt 5A (ss 33A–33I) ins 2008 No. 29 s 70

**PART 6—CONTROL OF POSSESSION OR CONSUMPTION OF ALCOHOL AT AURUKUN**

pt hdg        prev pt 6 hdg ins 1995 No. 16 s 12  
                  om 2002 No. 46 s 38

**Regulation-making power**

s 34 ins 1995 No. 16 s 12

**Division 1—Preliminary**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 2—Aurukun Alcohol Law Council**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 3—Controlled and dry places**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 4—Permits**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 5—Authorisation of Aboriginal police officers**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 6—Authorised officer's entry to places and vehicles**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 7—Power to seize evidence**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 8—General powers**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 9—Other enforcement matters**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 10—Review of decisions**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 11—Appeals**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 12—Miscellaneous**div hdg ins 1995 No. 16 s 12  
om 2002 No. 46 s 38**Division 13—Review of part**div hdg ins 1995 No. 16 s 12  
sub 1999 No. 30 s 34  
om 2002 No. 46 s 38

**PART 7—VALIDATING AND TRANSITIONAL PROVISIONS**

**pt hdg** ins 1999 No. 59 s 57  
sub 2002 No. 46 s 33(2) sch

**Division 1—Validating provision**

**div hdg** ins 2002 No. 46 s 33(2) sch

**Validation of particular charges**

**s 35** ins 1999 No. 59 s 57  
amd 2004 No. 53 s 2 sch

**Division 2—Transitional provisions for Community Services Amendment Act 2002**

**div hdg** ins 2002 No. 46 s 39

**Definitions for div 2**

**s 36** prev s 36 ins 1978 No. 87 s 11  
amd 1990 No. 76 s 2; 1993 No. 70 s 804 sch  
om 1995 No. 16 s 8  
pres s 36 ins 2002 No. 46 s 39

**Law council dissolved**

**s 37** prev s 37 ins 1981 No. 106 s 4  
om 1995 No. 16 s 9  
pres s 37 ins 2002 No. 46 s 39

**Assets and liabilities**

**s 38** prev s 38 ins 1981 No. 106 s 4  
om 1995 No. 16 s 10  
pres s 38 ins 2002 No. 46 s 39

**Application to declare dry place**

**s 39** ins 2002 No. 46 s 39

**Notice of proposal to declare dry place**

**s 40** prev s 40 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38  
pres s 40 ins 2002 No. 46 s 39

**Notice about dry place declaration**

**s 41** prev s 41 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38  
pres s 41 ins 2002 No. 46 s 39

**Dry place declaration continues in force**

**prov hdg** amd 1999 No. 30 s 27(1)  
**s 42** prev s 42 ins 1995 No. 16 s 12  
amd 1999 No. 30 s 27(2)  
om 2002 No. 46 s 38  
pres s 42 ins 2002 No. 46 s 39

**Reporting requirements**

**s 43** prev s 43 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38  
pres s 43 ins 2002 No. 46 s 39  
amd 2009 No. 17 s 331 sch 1



**Transitional regulation-making power**

- s 44** orig s 44 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38  
prev s 44 ins 2002 No. 46 s 39  
exp 30 December 2003 (see s 44)

**Law council is body corporate etc.**

- s 45** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Excluded matter for Corporations legislation**

- s 45A** ins 2001 No. 45 s 29 sch 3  
om 2002 No. 46 s 38

**Recognised traditional groups**

- s 46** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Composition of law council**

- s 47** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Nominees of recognised traditional groups**

- s 48** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Traditional groups to tell Minister of nominations etc.**

- s 49** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Notification by Minister**

- s 50** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Meetings of law council**

- s 51** ins 1995 No. 16 s 12  
amd 1999 No. 30 s 28  
om 2002 No. 46 s 38

**Chairperson**

- s 52** ins 1995 No. 16 s 12  
exp 30 June 1999 (see s 109)

**Conduct of meetings**

- s 53** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Arriving at decisions**

- s 54** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Secretary**

- s 55** ins 1995 No. 16 s 12  
amd 1999 No. 30 s 29  
om 2002 No. 46 s 38

**Delegation**

**s 55AA** ins 2002 No. 46 s 37  
om 2002 No. 46 s 38

**Police officer may attend meetings**

**s 55A** ins 1999 No. 30 s 30  
om 2002 No. 46 s 38

**Reporting requirements**

**s 56** ins 1995 No. 16 s 12  
sub 1999 No. 30 s 31  
om 2002 No. 46 s 38

**Administrative support**

**s 57** ins 1995 No. 16 s 12  
amd 1999 No. 30 s 32  
om 2002 No. 46 s 38

**Declarations**

**s 58** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Directions about controlled places**

**s 59** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Notice of proposal**

**s 60** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Objections and supporting submissions**

**s 61** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Notice about declarations**

**s 62** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Application for permit**

**s 63** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Consideration of application for permit**

**s 64** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Issue of permit**

**s 65** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Permit fees**

**s 66** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Possession or consumption of alcohol on controlled or dry place**

- s 67 ins 1995 No. 16 s 12  
amd 2000 No. 5 s 373 sch 3  
om 2002 No. 46 s 38

**Police officer may authorise Aboriginal police officers to investigate**

- s 68 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Entry to places**

- s 69 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Consent to entry**

- s 70 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Warrants to enter**

- s 71 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Warrants—applications made other than in person**

- s 72 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**General powers after entering places**

- s 73 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Entry and search of vehicles etc.**

- s 74 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Powers to enable vehicle to be entered**

- s 75 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Power to seize evidence etc.**

- s 76 ins 1995 No. 16 s 12  
amd 1995 No. 50 s 3 sch  
om 2002 No. 46 s 38

**Powers supporting seizure**

- s 77 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Receipt for seized things**

- s 78 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Forfeiture of seized things**

- s 79 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Return of seized things**

s 80 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Access to seized things**

s 81 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Power to require name and address**

s 82 ins 1995 No. 16 s 12  
amd 2000 No. 5 s 373 sch 3  
om 2002 No. 46 s 38

**Steps police officer may take for failure to give name and address**

s 83 ins 1995 No. 16 s 12  
om 2000 No. 5 s 373 sch 3

**Power to require production of permits**

s 84 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**False or misleading statements**

s 85 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**False, misleading or incomplete documents**

s 86 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Obstructing authorised officers**

s 87 ins 1995 No. 16 s 12  
amd 2000 No. 5 s 373 sch 3  
om 2002 No. 46 s 38

**Steps a police officer may take for obstruction**

s 88 ins 1995 No. 16 s 12  
om 2000 No. 5 s 373 sch 3

**Impersonating authorised officers**

s 89 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Forfeiture on conviction**

s 90 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Dealing with forfeited things etc.**

s 91 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Authorised officer to give notice of damage**

s 92 ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Compensation**

**s 93** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Who may apply for review**

**s 94** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Applying for review**

**s 95** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Stay of operation of decision**

**s 96** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Decision on reconsideration**

**s 97** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**How to start appeal**

**s 98** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Stay of operation of decisions**

**s 99** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Powers of Magistrates Court on appeal**

**s 100** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Constitution of Magistrates Court for appeal**

**s 100A** ins 1999 No. 30 s 33  
om 2002 No. 46 s 38

**Effect of Magistrates Court's decision on appeal**

**s 101** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Appeals**

**s 102** ins 1995 No. 16 s 12  
amd 1999 No. 19 s 3 sch  
om 2002 No. 46 s 38

**Evidence of alcohol by label**

**s 103** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Evidence of alcohol—notice of challenge required**

**s 104** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Application forms**

**s 105** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Filing of applications**

**s 106** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Law council's common seal**

**s 107** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Certain provisions of Liquor Act do not apply to shire**

**s 108** ins 1995 No. 16 s 12  
om 2002 No. 46 s 38

**Review of part 6**

**s 109** ins 1995 No. 16 s 12  
amd 1997 No. 76 s 14  
sub 1999 No. 30 s 34  
amd 2002 No. 17 s 49  
om 2002 No. 46 s 38

**PART 8—TRANSITIONAL PROVISIONS**

**pt hdg** ins 1995 No. 16 s 12  
exp 1 December 1997 (see s 112)

**General licences**

**s 111** ins 1995 No. 16 s 12  
exp 1 December 1997 (see s 112)  
AIA s 20A applies (see s 111(2))

**Expiry of part**

**s 112** ins 1995 No. 16 s 12  
exp 1 December 1997 (see s 112)

**PART 9—PROVISION FOR REPRINTING ACT**

**pt 9 (s 121)** ins 2002 No. 46 s 39  
om R4 (see RA s 37)

**SCHEDULE 1—CONDITIONS AND RESERVATIONS**

**sch hdg** sub 2007 No. 59 s 91  
**sch 1** (prev sch) renum 1978 No. 78 s 13(a)  
amd 1995 No. 58 s 4 sch 1

**SCHEDULE 2—TOWNSHIP OF AURUKUN**

ins 1978 No. 87 s 13(b)

**SCHEDULE 3—TOWNSHIP OF MORNINGTON ISLAND**

ins 1978 No. 87 s 13(b)

## 8 Table of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Local Government (Aboriginal Lands) Act 1978 s 121 [Reprint No. 4]

Previous	Renumbered as
3	2
6	3
6(1A)	3(2)
6(2)	3(3)
6(3)	3(4)
6(3A)	3(5)
6(3B)	3(6)
6(3C)	3(7)
6(3D)	3(8)
6(4)	3(9)
6(5)	3(10)
7	4
8	5
9	6
10	7
11	8
11(3)	8(2)
11(4)	8(3)
12	9
14	10
15	11
16	12
17	13
17(1A)	13(2)
17(2)	13(3)
18	14
19	15
20	16
21	17
22	18
23	19
24	20
25	21
25A	22
26	23
26(2A)	23(3)
26(3)	23(4)
26(4)	23(5)
27	24
27(2A)	24(3)
27(3)	24(4)
27(4)	24(5)
27(5)	24(6)

*Local Government (Aboriginal Lands) Act 1978*

Previous	Renumbered as
28.....	.25
29.....	.26
30.....	.27
31.....	.28
32.....	.29
33.....	.30
33(1A).....	.30(2)
33(2).....	.30(3)
33(2A).....	.30(4)
33(2B).....	.30(5)
33(2C).....	.30(6)
33(2D).....	.30(7)
33(3).....	.30(8)
33A.....	.31
34.....	.32
39.....	.33
39(4).....	.33(1)
39(5).....	.33(2)
pt 7 hdg.....	pt 6 hdg
110.....	.34
pt 8 hdg.....	pt 7 hdg
111.....	.35
112.....	.36
113.....	.37
114.....	.38
115.....	.39
116.....	.40
117.....	.41
117, 1st para.....	.41(1)
118.....	.42
119.....	.43
120.....	.44