

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 80 of 1974

**An Act to amend the Aborigines Act 1971 and the Torres Strait Islanders Act 1971, each in certain particulars**

[ASSENTED TO 1ST NOVEMBER, 1974]

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

PART I—PRELIMINARY

**1. Short title and citation.** This Act may be cited as the *Aborigines Act and Torres Strait Islanders Act Amendment Act 1974*.

**2. Arrangement.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENT OF THE ABORIGINES ACT 1971;

PART III—AMENDMENT OF THE TORRES STRAIT ISLANDERS ACT 1971.

PART II—AMENDMENT OF THE ABORIGINES ACT 1971

**3. Citation.** (1) The *Aborigines Act 1971* is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Aborigines Act 1971–1974*.

**4. Amendment of s. 37.** Section 37 of the Principal Act is amended by omitting from subsection (2) the words “ seek to ”.

**5. Amendment of s. 38.** Section 38 of the Principal Act is amended by, in subsection (1), inserting before the word “ take ” where it occurs in subparagraph (a) the words “ with that person’s consent,”.

**6. Repeal of and new s. 45.** The Principal Act is amended by repealing section 45 and substituting the following section:—

“ **45. Termination of management of property.** (1) An Aborigine, if he desires to do so, may terminate the management of his property under section 37 in accordance with this section.

(2) The Aborigine shall give to the district officer who is at that time maintaining the management of his property notification that such management is terminated.

A notification given pursuant to this subsection shall be in writing and signed by the Aborigine by affixing his signature or mark and that signature or mark, as the case may be, shall be witnessed by a justice of the peace.

(3) Upon the giving of the notification referred to in subsection (2) the management of the Aborigine’s property ceases.

(4) As soon as practicable after the giving of the notification referred to in subsection (2) the Director and a district officer in whose hands the Aborigine’s property then is shall take all steps necessary to transfer, deliver and secure to the Aborigine that property and all other property of the Aborigine that may subsequently come into his hands on behalf of the Aborigine if—

(a) the Aborigine is competent in law to give to the Director a valid discharge therefor; and

(b) the Aborigine’s interest therein consists of an estate or interest in possession other than a limited estate or interest.”.

**7. Repeal of s. 46.** The Principal Act is amended by repealing section 46.

**8. Repeal of s. 47.** The Principal Act is amended by repealing section 47.

**PART III—AMENDMENT OF THE TORRES STRAIT ISLANDERS ACT 1971**

**9. Citation.** (1) The *Torres Strait Islanders Act 1971* is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Torres Strait Islanders Act 1971–1974*.

**10. Amendment of s. 61.** Section 61 of the Principal Act is amended by omitting from subsection (2) the words “seek to”.

**11. Amendment of s. 62.** Section 62 of the Principal Act is amended by, in subsection (1), inserting before the word “take” where it occurs in subparagraph (a) the words “with that person’s consent”.

**12. Repeal of and new s. 69.** The Principal Act is amended by repealing section 69 and substituting the following section:—

“**69. Termination of management of property.** (1) An Islander, if he desires to do so, may terminate the management of his property under section 61 in accordance with this section.

(2) The Islander shall give to the district officer who is at that time maintaining the management of his property notification that such management is terminated.

A notification given pursuant to this subsection shall be in writing and signed by the Islander by affixing his signature or mark and that signature or mark, as the case may be, shall be witnessed by a justice of the peace.

(3) Upon the giving of the notification referred to in subsection (2) the management of the Islander’s property ceases.

(4) As soon as practicable after the giving of the notification referred to in subsection (2) the Director and a district officer in whose hands the Islander’s property then is shall take all steps necessary to transfer, deliver and secure to the Islander that property and all other property of the Islander that may subsequently come into his hands on behalf of the Islander if—

(a) the Islander is competent in law to give to the Director a valid discharge therefor; and

(b) the Islander’s interest therein consists of an estate or interest in possession other than a limited estate or interest.”

**13. Repeal of s. 70.** The Principal Act is amended by repealing section 70.

**14. Repeal of s. 71.** The Principal Act is amended by repealing section 71.