

Queensland



**NATURAL RESOURCES  
LEGISLATION  
AMENDMENT ACT 1998**

**Act No. 24 of 1998**



Queensland



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AMENDMENT ACT 1998**

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Queensland



**Natural Resources Legislation Amendment  
Act 1998**

**Act No. 24 of 1998**

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**An Act to amend various Acts administered by the Minister for  
Natural Resources**

*[Assented to 14 May 1998]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Natural Resources Legislation Amendment Act 1998*.

### **Commencement**

2. This Act commences on a day to be fixed by proclamation.

## **PART 2—AMENDMENT OF ABORIGINAL LAND ACT 1991**

### **Act amended in pt 2**

3. This part amends the *Aboriginal Land Act 1991*.

### **Amendment of s 3 (Definitions)**

4. Section 3—

*insert—*

‘ **“Aboriginal land claim association”** means an entity formed through the incorporation, under a regulation, of—

- (a) the members of a group of Aboriginal people who intend to make a land claim under this Act on their own behalf and on behalf of other Aboriginal people in the group; or
- (b) a group of Aboriginal people who intend to make a land claim under this Act.

“**land trust**” means an entity formed through the incorporation, under a regulation, of the grantees of Aboriginal land.’.

### **Insertion of new ss 137A and 137B**

5. After section 137—

*insert—*

#### **‘Application of Financial Administration and Audit Act 1977**

‘**137A.(1)** A land trust is not a statutory body for the *Financial Administration and Audit Act 1977*.

‘**(2)** However, a land trust must, at all reasonable times—

- (a) allow a suitably qualified person appointed by the land claims registrar to audit the accounts of the land trust; and
- (b) give the person appointed to audit the accounts of the land trust the help the person reasonably requires for conducting the audit, including disclosing financial institution account details.

#### **‘Approval of forms**

‘**137B.** The chief executive may approve forms for use under this Act.’.

### **Amendment of s 138 (Regulations)**

6. Section 138(2)—

*insert—*

- ‘(f) the establishment and maintenance by the land claims registrar of a land trust register, including, for example, the information each land trust must give the land claims registrar for inclusion in the register; and
- (g) rules for land trusts and Aboriginal land claim associations, including, for example, the adoption of rules and the matters that must be included in the rules; and
- (h) accounting requirements for land trusts, including, for example,

maintaining accounts, preparing financial statements, auditing accounts and giving audit reports to the land claims registrar.’.

## **PART 3—AMENDMENT OF LAND ACT 1994**

### **Act amended in pt 3**

7. This part amends the *Land Act 1994*.

### **Amendment of s 103 (Issue of road licence)**

8. Section 103(1), from ‘only to’—

*omit, insert—*

‘only to—

- (a) an adjoining owner; or
- (b) another person, if the road licence is only for allowing the person holding the licence to make structural improvements mentioned in section 104(b)(ii) or (iii).’.

### **Amendment of s 104 (Conditions of issuing road licence)**

9. Section 104(b)—

*omit, insert—*

- ‘(b) no more structural improvements are permitted on the road temporarily closed, other than the following—
  - (i) boundary fences;
  - (ii) pipes for irrigation purposes that cross the road beneath its surface;
  - (iii) water channels for irrigation purposes that cross the road;’.



**Insertion of new ch 8, pt 7, div 2B**

10. After section 503I—

*insert—*

***‘Division 2B—Treatment of special perpetual mining purposes leases under certain Acts***

**‘Special perpetual mining purposes leases become perpetual leases**

‘503J.(1) A special perpetual mining purposes lease issued under the agreement Act on or after 1 January 1995 and in existence immediately before the commencement of this section, becomes, on the commencement of this section, a perpetual lease under this Act.

‘(2) A special perpetual mining purposes lease issued under the agreement Act on or after the commencement of this section becomes a perpetual lease under this Act immediately after it is issued.

‘(3) Subsections (1) and (2) have effect despite anything in the agreement Act.

‘(4) In this section—

“**agreement Act**” means the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*.

**‘Replacement documents**

‘503K.(1) This section applies if a special perpetual mining purposes lease (the “**old lease**”) becomes a perpetual lease (the “**new lease**”) under section 503J.

‘(2) If the old lease becomes the new lease under section 503J(1), the chief executive must, as soon as practicable, issue a lease document for the new lease to replace the lease document for the old lease.

‘(3) If the old lease becomes the new lease under section 503J(2), the chief executive must, as soon as practicable after the old lease is issued, issue a lease document for the new lease to replace the lease document for the old lease.

‘(4) The new lease is subject to all the encumbrances to which the old

lease was subject and in the same priorities.

‘(5) When the lease document for the new lease is issued, the lease document for the old lease is no longer valid.

‘(6) The lease document for the new lease must be given to the person who is entitled to possession of the lease document for the old lease.

‘(7) The lease document for the old lease must be returned to the chief executive for cancellation when the lease document for the new lease is issued.

‘(8) The lessee under the new lease may ask for the return of the lease document for the old lease suitably marked as cancelled.’.

## **PART 4—AMENDMENT OF TORRES STRAIT ISLANDER LAND ACT 1991**

### **Act amended in pt 4**

**11.** This part amends the *Torres Strait Islander Land Act 1991*.

### **Amendment of s 3 (Definitions)**

**12.** Section 3—

*insert—*

‘**“Torres Strait Islander land claim association”** means an entity formed through the incorporation, under a regulation, of—

(a) the members of a group of Torres Strait Islanders who intend to make a land claim under this Act on their own behalf and on behalf of other Torres Strait Islanders in the group; or

(b) a group of Torres Strait Islanders who intend to make a land claim under this Act.

‘**“land trust”** means an entity formed through the incorporation, under a regulation, of the grantees of Torres Strait Islander land.’.

**Insertion of new ss 134A and 134B**

**13.** After section 134—

*insert—*

**‘Application of Financial Administration and Audit Act 1977**

**‘134A.(1)** A land trust is not a statutory body for the *Financial Administration and Audit Act 1977*.

**‘(2)** However, a land trust must, at all reasonable times—

- (a) allow a suitably qualified person appointed by the land claims registrar to audit the accounts of the land trust; and
- (b) give the person appointed to audit the accounts of the land trust the help the person reasonably requires for conducting the audit, including disclosing institution account details.

**‘Approval of forms**

**‘134B.** The chief executive may approve forms for use under this Act.’.

**Amendment of s 135 (Regulations)**

**14.** Section 135(2)—

*insert—*

- ‘(f)** the establishment and maintenance by the land claims registrar of a land trust register, including, for example, the information each land trust must give the land claims registrar for inclusion in the register; and
- (g)** rules for land trusts and Torres Strait Islander land claim associations, including, for example, the adoption of rules and the matters that must be included in the rules; and

- (h) accounting requirements for land trusts, including, for example, maintaining accounts, preparing financial statements, auditing accounts and giving audit reports to the land claims registrar.’.