

NATIVE TITLE (QUEENSLAND) AMENDMENT BILL 1995

EXPLANATORY NOTE

GENERAL OUTLINE

Objectives of the Legislation

To clarify the meaning of certain provisions of the *Native Title (Queensland) Act 1993* and to address the criteria in section 251(2) of the Commonwealth *Native Title Act 1993*, relating to the recognition of the Queensland Native Title Tribunal as a ‘recognised State/Territory body’.

Reasons for the Bill

- Ensure that a non-claimant application in the Queensland Native Title Tribunal is not taken to be unopposed where a claimant application is subsequently made in the National Native Title Tribunal over the same area.
- Ensure that the notification period given by the Queensland Native Title Tribunal to persons potentially affected by an accepted application to the Queensland Native Title Tribunal, and the public generally, will run from the same time; and
- Ensure that only details of native title claims which have been accepted by the Queensland Native Title Tribunal or the National Native Title Tribunal are entered onto the Queensland Native Title Register.

Estimated Cost for Government Implementation

It is estimated that there will be no cost additional to that required to implement the *Native Title (Queensland) Act 1993*.

NOTES ON PROVISIONS

Clause 1 sets out the short title of the Bill.

Clause 2 provides for the *Native Title (Queensland) Act 1993* to be amended by the Bill as set out in the Schedule.

Clause 3 ensures that a non-claimant application in the Queensland Native Title Tribunal is not taken to be unopposed where a claimant application is subsequently made in the National Native Title Tribunal.

Schedule 1 contains minor amendments.

Amendment 1 corrects the definition of “accepted application notice” to ensure that the notification period given by the Queensland Native Title Tribunal to persons potentially affected by an accepted application to the Queensland Native Title Tribunal, and the public generally, will run from the same time.

Amendment 2 maintains consistency with other similar provisions which refer to paragraph 35(1)(a).

Amendment 3 clarifies paragraph 135 by amending the definition of “claim” to that of a claim in an application which has been accepted by the Registrar.