

# Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Bill 2010

## Amendments agreed to during Consideration

### 1 **Clause 61 (Replacement of pt 5A (Provisions about particular land trusts))**

Page 82, lines 12 to 14—

*omit, insert—*

- ‘(2) On the grant of the townsite lease—
- (a) the continued lease continues in force and is taken to be a townsite sublease; and
  - (b) the lessee for the townsite lease is substituted for the lessor as a party to the continued lease.’.

### 2 **Clause 71 (Amendment of s 84 (Use of Aboriginal land preserved))**

Page 114, line 12, after ‘trustee’—

*insert—*

‘of the land’.

### 3 **Clause 73 (Amendment of s 86 (Access to land))**

Page 115, lines 21 to 25—

*omit, insert—*

‘subject of a townsite lease or other registered interest (*relevant land*)—

- (a) subsection (2) applies to the relevant land as if the reference to the trustee of the land were a reference to the lessee of the townsite lease or the person registered

in the appropriate register as the holder of the other interest; and

(b) subsection (3) does not apply.

‘(6) Subsection (5) does not affect the operation of subsections (2) and (3) in relation to Aboriginal land that is not relevant land.’.

**4 Clause 80 (Amendment of s 132 (Rights of access to interests preserved))**

Page 136, lines 21 to 25—

*omit, insert—*

‘lease or other registered interest (*relevant land*)—

(a) subsection (2) applies to the relevant land as if the reference to the trustee of the Aboriginal land, or the trustee, were a reference to the lessee of the townsite lease or the person registered in the appropriate register as the holder of the other interest; and

(b) subsection (3) does not apply.

‘(6) Subsection (5) does not affect the operation of subsections (2) and (3) in relation to Aboriginal land that is not relevant land.’.

**5 Clause 89 (Insertion of new pt 11, div 3)**

Page 141, line 17, ‘1 July’—

*omit, insert—*

‘31 December’.

**6 Clause 89 (Insertion of new pt 11, div 3)**

Page 141, line 21, ‘63’—

*omit, insert—*

‘27’.

**7 Clause 89 (Insertion of new pt 11, div 3)**

Page 141, line 22, before ‘under’—

*insert*—

‘on or before 31 December 2011 and’.

**8 Clause 89 (Insertion of new pt 11, div 3)**

Page 142, line 7, ‘1 July’—

*omit, insert*—

‘31 December’.

**9 Clause 89 (Insertion of new pt 11, div 3)**

Page 143, lines 4 to 6, ‘the *Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2010*,’—

*omit*.

**10 Clause 111 (Amendment of s 163 (When a vacancy in an office must be filled))**

Page 155, lines 23 to 25 and page 156, lines 1 and 2—

*omit*.

**11 Clause 123 (Amendment of schedule (Dictionary))**

Page 159, lines 4 to 9—

*omit*.

**12 Clause 165 (Replacement of pts 4 and 5)**

Page 216, lines 1 to 3—

*omit, insert*—

‘(2) On the grant of the townsite lease—

- (a) the continued lease continues in force and is taken to be a townsite sublease; and
- (b) the lessee for the townsite lease is substituted for the lessor as a party to the continued lease.’.

**13 Clause 170 (Amendment of s 81 (Crown’s use of Islander land preserved))**

Page 244, line 23, after ‘trustee’—

*insert—*

‘of the land’.

**14 Clause 170 (Amendment of s 81 (Crown’s use of Islander land preserved))**

Page 245, line 10—

*omit, insert—*

‘(3) for the land.

- ‘(6) Subsection (7) applies if the Torres Strait Islander land being occupied or used by the State or the Commonwealth is land that is the subject of a townsite lease.
- ‘(7) Subsections (3) to (5) apply as if a reference to the trustee of the land were a reference to the lessee of the townsite lease.’.’.

**15 Clause 172 (Amendment of s 83 (Access to land used by Crown))**

Page 246, after line 12—

*insert—*

- ‘(8) Section 83—

*insert—*

- ‘(5) If the Torres Strait Islander land being occupied or used by the State or the Commonwealth under section 81(1) is land that is the subject of a townsite lease or other registered interest (*relevant land*)—

- (a) subsection (2) applies to the relevant land as if the reference to the trustee of the land were a reference to the lessee of the townsite lease or the person registered in the appropriate register as the holder of the other interest; and
  - (b) subsection (3) does not apply.
- ‘(6) Subsection (5) does not affect the operation of subsections (2) and (3) in relation to Torres Strait Islander land that is not relevant land.’.

**16 Clause 177 (Amendment of s 129 (Rights of access to interests preserved))**

Page 267, lines 23 to 27—

*omit, insert—*

‘townsite lease or other registered interest (*relevant land*)—

- (a) subsection (2) applies to the relevant land as if the reference to the trustee of the Torres Strait Islander land, or the trustee, were a reference to the lessee of the townsite lease or the person registered in the appropriate register as the holder of the other interest; and
  - (b) subsection (3) does not apply.
- ‘(6) Subsection (5) does not affect the operation of subsections (2) and (3) in relation to Torres Strait Islander land that is not relevant land.’.

**17 Clause 182 (Replacement of s 133A (Dealing with particular trust property))**

Page 269, lines 21 and 22, ‘a trustee, other than the State, if the trustee’—

*omit, insert—*

‘the lessee of a townsite lease if the lessee’.

**18 Clause 182 (Replacement of s 133A (Dealing with particular trust property))**

Page 269, lines 24 to 26—

*omit, insert—*

- ‘(4) The lessee must ensure an amount equal to the amount received is used by the lessee for housing services for Torres Strait Islanders concerned with the land the subject of the townsite lease.’.

**19 Clause 187 (Insertion of new pt 10, div 3)**

Page 273, line 27, ‘1 July’—

*omit, insert—*

‘31 December’.

**20 Clause 187 (Insertion of new pt 10, div 3)**

Page 274, lines 19 to 21, ‘the *Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2010*,’—

*omit.*