



**3. Meaning of terms.** (1) In this Act, save where a contrary intention appears—

- “Aborigine” means a person who is a descendant of an indigenous inhabitant of Australia other than the Torres Strait Islands;
- “Aboriginal Council” means an Aboriginal Council established pursuant to section 31 of the *Aborigines Act 1971–1975*;
- “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;
- “Minister” means the Minister for Local Government and Main Roads and includes any person for the time being performing the duties of the Minister;
- “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;
- “public purposes” means any purpose defined as such by the *Land Act 1962–1975* and the purpose of townships.

(2) In this Act—

- (a) a reference to the Minister includes reference to the person who for the time being is the Minister of the Crown charged with responsibility for Local Government in Queensland;
- (b) a reference to the Minister for Aboriginal and Island Affairs includes reference to the person who for the time being is the Minister of the Crown charged with responsibility for Aboriginal Affairs in Queensland;
- (c) a reference to the Minister of State for the Commonwealth for Aboriginal Affairs includes reference to the person who for the time being is the Minister of State for the Commonwealth charged with responsibility for Aboriginal Affairs in Australia.

## PART II—INCORPORATION OF ABORIGINAL COUNCILS AND GRANT OF LEASE

**4. Incorporation of Aboriginal Councils.** (1) Each of them, the Aboriginal Council, which immediately prior to 6 April 1978 existed for the Aurukun Reserve, and the Aboriginal Council, which immediately prior to 6 April 1978 existed for the Mornington Reserve, shall be deemed to have continued in existence and to exist at the passing of this Act notwithstanding the abolition of those reserves.

(2) For the purpose of acquiring and holding the interest in land required by section 6 to be granted to it—

- (a) the Aboriginal Council firstly referred to in subsection (1) is hereby constituted a body corporate in the name, Council of the Shire of Aurukun; and
- (b) the Aboriginal Council secondly referred to in subsection (1) is hereby constituted a body corporate in the name, Council of the Shire of Mornington.

(3) Each of the bodies corporate incorporated by subsection (2) has perpetual succession and a common seal which shall be judicially noticed and shall, under the name assigned to it by subsection (2), be capable in law of suing and being sued, of holding the interest in land granted to it pursuant to section 6 and, subject to this Act, of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(4) The persons who first constitute the bodies corporate incorporated by subsection (2) shall be—

(a) in the case of Council of the Shire of Aurukun, the persons who immediately prior to 6 April 1978 constituted the Aboriginal Council for the Aurukun Reserve;

(b) in the case of Council of the Shire of Mornington, the persons who immediately prior to 6 April 1978 constituted the Aboriginal Council for the Mornington Reserve,

or, in either case, such of those persons who are living at the passing of this Act.

**5. Filling casual vacancies in bodies corporate.** For as long as section 13 applies to a body corporate incorporated by section 4 (2) a vacancy in its membership may be filled in the same manner as a vacancy in the membership of the Aboriginal Council so incorporated as that body corporate could have been filled prior to 6 April 1978.

**6. Grant of leases to Councils.** (1) As soon as practicable after the passing of this Act, the Governor in Council shall, subject to subsection (3), grant—

(a) to Council of the Shire of Aurukun, incorporated by section 4 (2), a lease of the whole of the land which prior to 6 April 1978 comprised the Aurukun reserve; and

(b) to Council of the Shire of Mornington, incorporated by section 4 (2), a lease of the whole of the land which prior to 6 April 1978 comprised the Mornington Reserve.

The land to which such a grant relates is in this Act referred to as the demised land.

(2) 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;

(b) shall be subject to the conditions and reservations set out in the schedule;

(c) shall be construed in accordance with this Act; and

(d) save as is prescribed by subsection (4), shall not be one to which the *Land Act* 1962–1975 applies.

(3) When making a grant pursuant to subsection (1) the Governor in Council may reserve to the Crown 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 500 hectares in the case of the grant to Council of the Shire of Aurukun and 100 hectares 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 land affected by the reservation.

The reservation and setting apart of land pursuant to the right reserved under the preceding paragraph shall be effected by the Governor in Council by Order in Council.

Upon publication in the Gazette of the Order in Council—

- (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 Order in Council and may be dealt with in accordance with Part XI of the *Land Act* 1962–1975;
- (b) the Registrar of Dealings shall make all necessary entries and endorsements in and on the registers of dealings affecting land under the *Land Act* 1962–1975 and the relevant instrument of lease to evidence the excision of the land so reserved and set apart from the demised land.

Compensation in respect of the excision of land from the demised land pursuant to the right reserved under this subsection shall be limited to the value of any improvements on the land so excised that are not the property of the Crown.

(4) The provisions of the *Land Act* 1962–1975 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.

(5) 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 he thinks fit if he 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.

**7. Grant to include improvements.** A grant made pursuant to section 6 (1) shall include and shall be taken to include improvements, the property of the Crown, which—

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

**8. Councils to be trustees.** All interests in land held by Council of the Shire of Aurukun or Council of the Shire of Mornington, the bodies incorporated by section 4 (2) or by the Council of the Shire of Aurukun or the Council of the Shire of Mornington, the Local Authorities constituted under the *Local Government Act* 1936–1977, 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 III—LOCAL AUTHORITY AREAS AND COUNCILS

**9. Shire of Aurukun.** (1) The area delineated on map No. SC 211 deposited in the Department of Mapping and Surveying at Brisbane as the Shire of Aurukun is hereby declared to be an Area and a Shire within the meaning of the *Local Government Act 1936–1977* which, unless its name is duly altered according to law, shall be called by the name, Shire of Aurukun.

(2) The land comprising the Shire of Aurukun is hereby excluded from the Shire of Cook and the Area in which the Administrator of the Council of the Shire of Cook has jurisdiction is hereby reduced accordingly.

(3) Unless the boundaries of the Shire of Cook are altered according to law, the boundaries of that Shire are as delineated on map No. SC 213 deposited in the Department of Mapping and Surveying at Brisbane as the Shire of Cook.

**10. Shire of Mornington.** The area delineated on map No. SC 212 deposited in the Department of Mapping and Surveying at Brisbane as the Shire of Mornington is hereby declared to be an Area and a Shire within the meaning of the *Local Government Act 1936–1977* which, unless its name is duly changed according to law, shall be called by the name, Shire of Mornington.

**11. Copies of maps to be held.** (1) A copy of the map referred to in section 9 (1) shall be held in the office of the Director of Local Government at Brisbane and in the office of Council of the Shire of Aurukun.

(2) A copy of the map referred to in section 9 (3) shall be held in the office of the Director of Local Government at Brisbane and in the office of the Administrator of the Council of the Shire of Cook.

(3) A copy of the map referred to in section 10 shall be held in the office of the Director of Local Government at Brisbane and in the office of the Council of the Shire of Mornington.

(4) The obligation to hold a map specified in the foregoing subsections 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.

**12. Aurukun and Mornington Shire Councils.** (1) Each of them the Council of the Shire of Aurukun and the Council of the Shire of Mornington shall be a Local Authority within the meaning of the *Local Government Act 1936–1977*, 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 Authority under that Act in respect of its Area.

(2) The chairman and members who shall first constitute the Council of the Shire of Aurukun or the Council of the Shire of Mornington shall be elected at elections held in accordance with the *Local Government Act 1936–1977* on the last Saturday in March 1979, or, if in either case an election is not held on that day, on a date as soon thereafter as is reasonable and each such council shall be taken to be duly constituted upon conclusion of that election.

(3) The returning officers at the elections of the chairman and members who shall first constitute the councils referred to in this section shall be persons appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

**13. Incorporated bodies deemed to be Shire Councils.** (1) Until the Council of the Shire of Aurukun is duly constituted as prescribed by section 12, the body corporate incorporated in that name by section 4 shall be deemed to be the Council of the Shire of Aurukun and to have, subject to this Act, the functions, powers, duties and obligations of a Local Authority under the *Local Government Act 1936-1977* in the Shire as if it were the Council of the Shire of Aurukun duly constituted under that Act.

(2) Until the Council of the Shire of Mornington is duly constituted as prescribed by section 12, the body corporate incorporated in that name by section 4 shall be deemed to be the Council of the Shire of Mornington and to have, subject to this Act, the functions, powers, duties and obligations of a Local Authority under the *Local Government Act 1936-1977* in the Shire as if it were the Council of the Shire of Aurukun duly constituted under that Act.

(3) For as long as subsection (1) or (2) has effect the person who for the time being is chairman of the Aboriginal Council at Aurukun or the Aboriginal Council at Mornington Island shall be deemed to be chairman of the Council of the Shire of Aurukun or, as the case may be, chairman of the Council of the Shire of Mornington.

**14. Application of Local Government Act.** Subject to this Act, the provisions of the *Local Government Act 1936-1977* apply to and in relation to—

- (a) the Areas and Shires declared by sections 9 and 10 each of which shall be deemed to be an Area 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.

**15. Effect of election of Shire Councils.** (1) Upon the conclusion of the election at which the Council of the Shire of Aurukun is duly constituted—

- (a) the persons who then are members of the body corporate incorporated by section 4 in the name, Council of the Shire of Aurukun, shall go out of office as such members;
- (b) property held on behalf of the Aboriginal Council at Aurukun but not vested in the body corporate referred to in paragraph (a) shall by force of this Act vest in the Council of the Shire of Aurukun so constituted;
- (c) rights and obligations had by or incurred by or on behalf of the body corporate referred to in paragraph (a) may be enforced by or against the Council of the Shire of Aurukun so constituted;
- (d) it shall be deemed that the body corporate referred to in paragraph (a) is continued in existence and preserved as the Council of the Shire of Aurukun so constituted.

(2) Upon the conclusion of the election at which the Council of the Shire of Mornington is duly constituted—

- (a) the persons who then are members of the body corporate incorporated by section 4 in the name, Council of the Shire of Mornington, shall go out of office as such members;
- (b) property held on behalf of the Aboriginal Council at Mornington Island but not vested in the body corporate referred to in paragraph (a) shall by force of this Act vest in the Council of the Shire of Mornington so constituted;
- (c) rights and obligations had by or incurred by or on behalf of the body corporate referred to in paragraph (a) may be enforced by or against the Council of the Shire of Mornington so constituted;
- (d) it shall be deemed that the body corporate referred to in paragraph (a) is continued in existence and preserved as the Council of the Shire of Mornington so constituted.

**16. Modification of power to dissolve Shire Councils.** The power to dissolve councils conferred on the Governor in Council by section 4 (9) of the *Local Government Act 1936–1977* shall not be exercised in relation to the Council of the Shire of Aurukun or the Council of the Shire of Mornington in the circumstances specified in the first paragraph of that subsection but may be exercised in relation to those councils 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.

#### PART IV—CO-ORDINATING AND ADVISORY COMMITTEES

**17. Appointment of committees.** (1) As soon as practicable after the passing of this Act there shall be appointed and, for the prescribed period, maintained two committees each of which shall be called the Co-ordinating and Advisory Committee.

One such committee shall be appointed for the Shire of Aurukun and the other such committee shall be appointed for the Shire of Mornington.

(2) The prescribed period referred to in subsection (1) is three 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.

**18. Composition of committees.** (1) Each Co-ordinating and Advisory Committee shall be comprised of—

- (a) a representative of the Minister;
- (b) a representative of the Minister for Aboriginal and Island Affairs;
- (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 he is to represent and, subject to section 20, shall be appointed by the Governor in Council by notification published in the Gazette:

(3) The term of appointment of each member of a committee shall be three years commencing on the date on which his appointment is notified in the Gazette.

**19. Appointment of substitute members.** Upon a vacancy in the office of a member of a Co-ordinating and Advisory Committee before the expiration by effluxion of time of his 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 18 (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 he is appointed as a substitute.

**20. Approval of nominees.** A person shall not be appointed as a member of a Co-ordinating and Advisory Committee unless he is acceptable as such to all Ministers who are entitled to nominate a proposed member.

**21. Functions of committees.** The functions of a Co-ordinating 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;
- (b) to assist in the fiscal management and economic planning of the Shire for which the committee is appointed;
- (c) to advise the council of the Shire for which the committee is appointed with respect to by-laws proposed by the council of that Shire;
- (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;
- (e) to keep the Minister, the Minister for Aboriginal and Island Affairs 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.

**22. Assistance to Councils.** (1) The Governor in Council may, of his own motion or on the recommendation of the Minister, direct any Minister of the Crown in right of Queensland 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 he is so engaged.



PART V—PROVISIONS CONCERNING THE SHIRES AND THEIR COUNCILS

**23. Right of residence in Shires.** The following persons are authorized 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;
- (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 he 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 the foregoing provisions, who intermarries or has intermarried with an Aborigine who is authorized or becomes authorized 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 Act or any other Act, if it is necessary or desirable for the proper performance or exercise of that function or power that he be resident in the Shire and if such function or power is directed to the needs or service of the Shire;
- (h) a person who is the holder of a lease, licence, permit or other authority issued under any Act which in its express terms authorizes him 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 he be resident in the Shire;
- (i) a person who is assisting or is acting under the direction or control of a person authorized 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.

**24. Entry upon and temporary stay in Shires.** (1) The following persons are authorized 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 of Australia and the Governor of Queensland;
- (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 on affairs within the Shire as a member of the Legislative Assembly of Queensland 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 of Queensland 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 the foregoing provisions, 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 he is a person or is of a class of person ordinarily used by a church or other religious organization, which itself is recognized as such throughout Australia, as a religious instructor.

**25. By-laws may regulate presence in Shires.** Each of them the Council of the Shire of Aurukun and the Council of the Shire of Mornington may, pursuant to its power to make by-laws conferred by the *Local Government Act 1936-1977* as modified by this Act—

- (a) make by-laws that authorize persons of a class specified therein to enter, to be in or to reside in its Area;
- (b) make by-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.

**26. 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 by-laws of the council;
- (b) any person—
  - (i) who belongs to a class of person that is excluded from its Area by its by-laws; or
  - (ii) who belongs to a class of person whose entry to its Area is prohibited by its by-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 by-laws, has contravened or failed to comply with the relevant by-laws.

(2) Any member of the Police Force, upon being requested so to do by an agent of either council referred to in subsection (1), shall assist in the summary removal of any person under that subsection and, while so acting, is authorized to be in the Shire concerned.

No liability shall attach to any member of the Police Force by reason only of the fact that a person in whose removal from an Area he has assisted should not have been so removed.

(3) It is lawful to use reasonable force in the exercise of the power conferred by subsection (1) and in assisting therein.

**27. 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 him 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 authorized by this Act or by-laws referred to in section 25 to enter, be in or reside in the Shire may appeal in respect of such refusal or prevention by written application to a Stipendiary Magistrate who for the time being is appointed as a Local Government (Aboriginal Lands) Appeals Magistrate.

The Governor in Council may by notification published in the Gazette appoint such number of Stipendiary Magistrates as he thinks fit to be Local Government (Aboriginal Lands) Appeals Magistrates as he thinks fit.

(3) 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 to him such information as he deems necessary to enable him to determine the matter of the application.

(4) Upon receipt by him of the information sought by him or in default of any such information being furnished to him within a time specified by him, when he is satisfied of the facts of the case, the magistrate may make such order as appears to him to be in accordance with law.

The order of the magistrate—

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

**28. 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 he is authorized by this Act or by-laws of the council of the Shire.

(2) A person who is authorized 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 authorized to enter, be in or reside in the other of the said Shires.

**29. Preservation of Aborigines' hunting and gathering rights.** Notwithstanding the provisions of any 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 himself and members of his family or household;
- (b) may gather, dig and remove forest products, quarry material and similar material within the Shire to the extent that he requires the same for his domestic use.

**30. Mineral rights in Shires.** (1) From a grant made pursuant to section 6 (1) there shall be reserved to the Crown—

- (a) all gold and minerals within the meaning of the *Mining Act* 1968–1976 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* 1923–1976 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.

(2) Sections 29 and 30 of the *Aborigines Act* 1971–1975 apply in respect of prospecting or mining in the Shire of Aurukun and the Shire of Mornington as if each of those Shires were a Reserve for Aborigines established under that Act but for the purpose of that application—

- (a) a reference therein to the trustee of the reserve shall be read and construed as a reference to the council of the Shire in which the prospecting or mining may occur;
- (b) a reference therein to the Minister shall be read and construed as a reference to the Governor in Council.

(3) Nothing in subsection (2) or in the provisions of law therein referred to shall affect the rights conferred by or the obligations assumed under or the status of any person under the agreement made with respect to mining buaxite in the Aurukun Reserve, a copy of which agreement is set out in the *Aurukun Associates Agreement Act* 1975, or under any amendment of that agreement:

**31. Forestry rights in Shires.** (1) From a grant made pursuant to section 6 (1) there shall be reserved to the Crown all forest products and quarry material within the meaning of the *Forestry Act* 1959–1976, 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* 1959–1976 the Council of the Shire of Aurukun and the Council of the Shire of Mornington may authorize 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 authorized without the payment of royalty in respect thereof.

**32. Restriction on councils' power over land.** Notwithstanding the provisions of the *Local Government Act* 1936–1977 or section 4 of this Act each of them, the Council of the Shire of Aurukun, the body corporate incorporated by section 4 in that name, the Council of the Shire of Mornington and the body corporate incorporated by section 4 in that name is not empowered—

- (a) to sublet the land to which a grant made pursuant to section 6 (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 6 (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.

**33. 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 his residence or place of business.

Persons exercising or about to exercise such powers or any of them are authorized to be in the Shire in which the exercise is occurring or is about to occur.

(2) 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 this subsection.

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.

Aboriginal police appointed for a Shire shall have and may exercise, within the area of their jurisdiction prescribed by this subsection, such powers as are conferred on them by by-law of the council of the Shire, and if at any time a member of the Police Force is stationed in the Shire or is in the Shire in execution of his duty they shall perform their function and exercise their powers subject to the direction and control of such member.

(3) It is lawful for a person charged by subsection (2) with the maintenance of peace and good order to use reasonable force in the performance of that function.

**34. Appointment of clerk 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 clerk of the Shire shall be taken not to be such clerk unless, before his appointment he was approved for such appointment by the Minister after such consultation as aforesaid.

(2) Subject to subsection (1), the appointment of a person as clerk 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 1936-1977* and the appointee shall be taken to be clerk of the Shire notwithstanding that he has not the qualifications required of such a clerk 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 clerk of the Shire, the person nominated by the Governor in Council to perform the duties of clerk of the Shire in question shall be taken to be such clerk while he continues to perform such duties.

**35. Convening meetings; procedure at meetings.** (1) The first meeting of each of them the bodies corporate incorporated by section 4 in the names, Council of the Shire of Aurukun and Council of the Shire of Mornington, shall be convened in accordance with the *Local Government Act 1936-1977* by the Minister on a date as soon as practicable after the passing of this Act at the place ordinarily used by the Aboriginal Council at Aurukun or, as the case may be, Mornington Island for its meetings.

(2) The first meeting of the Council of the Shire of Aurukun and of the Council of the Shire of Mornington first constituted at the election held in accordance with the *Local Government Act 1936-1977* held in the year 1979—

(a) shall be convened in accordance with that Act by the person who was returning officer at the election of the council first constituted; and

(b) shall be convened on a date as soon as practicable after the conclusion of that election.

(3) Until by-laws that provide for the business and procedure at meetings of the Council of the Shire of Aurukun or, as the case may be, the Council of the Shire of Mornington are duly made and have taken effect the conduct of meetings of the council shall be as the council from time to time resolves.

This subsection also applies to the conduct of meetings of each of them the bodies corporate incorporated by section 4.

#### SCHEDULE

[s. 6 (2)]

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 of Mapping and Surveying at 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.

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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 1959-1976* 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 1959-1976*.

8. The lease shall be subject to such reservations as are authorized 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 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*.