

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE



No. 30 of 1984

An Act to amend the Land Act 1962–1983 in certain particulars and the Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982 in a certain particular

[ASSENTED TO 5TH APRIL, 1984]

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.** This Act may be cited as the *Land Act (Aboriginal and Islander Land Grants) Amendment Act 1984*.

2. **Arrangement of Act.** This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1–2);

PART II—AMENDMENTS OF LAND ACT (ss. 3–8);

PART III—AMENDMENT OF LAND ACT (ABORIGINAL AND ISLANDER LAND GRANTS) AMENDMENT ACT (ss. 9–10).

PART II—AMENDMENT OF LAND ACT

3. **Citation.** (1) In this Part the *Land Act 1962–1982*, as amended by the *Land Act Amendment Act 1983*, is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Land Act 1962–1984*.

4. **Amendment of s. 352. Court to determine whether or not the trust includes surplus land.** Section 352 of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “any land granted in trust” the words “(other than land granted in trust for the benefit of Aboriginal or Islander inhabitants)”;

(b) in subsection (7), omitting the words “*The Public Works Land Resumption Acts, 1906 to 1955*,” and substituting the words “the *Acquisition of Land Act 1967–1977*”.

5. **New s. 352A.** The Principal Act is amended by inserting after section 352 the following section:—

“352A. **Special provisions for resumption of land granted in trust for the benefit of Aboriginal or Islander inhabitants.** (1) The Governor in Council may by Proclamation published in the Gazette resume any part of land granted in trust for the benefit of Aboriginal or Islander inhabitants that is approved by Act of the Parliament for resumption as land surplus to the requirements of the trust.

(2) Every resumption of land approved by Act of the Parliament as referred to in subsection (1) shall be made in accordance with and upon the terms and conditions prescribed by that Act.

(3) The provisions of subsections (3) to (7) of section 352 shall apply in relation to a resumption of land approved by Act of the Parliament as referred to in subsection (1), subject however to the provisions of that Act.”

6. Amendment of s. 353. Power of Governor in Council to determine trust. Section 353 of the Principal Act is amended by, in subsection (1), inserting after the words "land granted in trust" the words "(other than land granted in trust for the benefit of Aboriginal or Islander inhabitants)".

7. New s. 353A. The Principal Act is amended by inserting after section 353 the following section:—

“353A. Special provisions for determining trust for benefit of Aboriginal or Islander inhabitants. (1) The Governor in Council may, by Order in Council, declare that land granted in trust for the benefit of Aboriginal or Islander inhabitants shall revert to the Crown if he is authorized to do so by Act of the Parliament that specifically relates to that land, whereupon the land concerned shall revert to the Crown freed and discharged from the trusts and all encumbrances, estates or interests whatsoever and may be dealt with by the Crown as if it had never been granted.

(2) Upon the taking effect of an Order in Council pursuant to subsection (1) the Registrar of Titles shall, by virtue of this section, have power and authority to make and shall make or cause to be made any necessary entries or endorsements in the register book concerned and shall do and execute all such other acts, matters and things as may be necessary and proper to give full effect to such Order in Council.”.

8. Amendment of s. 354. Winding up of trust. Section 354 of the Principal Act is amended by, in subsection (1), inserting after the words "section three hundred and fifty three" the words "or section 353A".

PART III—AMENDMENT OF LAND ACT (ABORIGINAL AND ISLANDER LAND GRANTS) AMENDMENT ACT

9. Citation. (1) In this Part the *Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982–1984*.

10. Amendment of s. 13. Amendment of s. 353 of Land Act. Section 13 of the Principal Act is amended by omitting paragraph (b).