



Queensland

*Aboriginal Land Act 1991*

# Aboriginal Land Regulation 1991

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Reprint No. 9K

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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## Queensland

# Aboriginal Land Regulation 1991

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions. . . . .	5
<b>Part 2</b>	<b>Land claimants may be incorporated</b>	
<b>Division 1</b>	<b>Application for incorporation</b>	
3	Land claimants may apply for incorporation . . . . .	7
4	Application for incorporation—form and content . . . . .	8
5	Rules for proposed association to provide for certain things . . . . .	8
<b>Division 2</b>	<b>Land claims registrar to deal with application</b>	
6	Land claims registrar to deal with application. . . . .	10
7	Land claims registrar must issue certificate of incorporation unless grounds for refusal . . . . .	10
8	Procedure if land claims registrar refuses application . . . . .	10
<b>Division 3</b>	<b>Effects of incorporation</b>	
9	Effect of issue of certificate of incorporation. . . . .	11
10	Rules of association on incorporation . . . . .	12
11	Membership of association on incorporation . . . . .	12
12	Vesting of property in Aboriginal land claim associations. . . . .	12
13	Powers to borrow money and give securities . . . . .	13
14	Appointment of public officer and determination of official address . . . . .	13
<b>Division 4</b>	<b>Amendment of the objects or rules</b>	
15	Amendment of objects or rules. . . . .	14
<b>Division 5</b>	<b>Dissolution or winding-up of association</b>	
16	Dissolution . . . . .	15
17	Application by land claims registrar for winding-up of association if it does not resolve to dissolve itself . . . . .	16
18	Involuntary winding-up of association by Supreme Court . . . . .	16

Contents

---

<b>Part 3</b>	<b>Land trusts</b>	
<b>Division 1</b>	<b>Formation</b>	
19	Incorporation of grantees as land trust . . . . .	18
20	Nature of land trust—body corporate etc. . . . .	19
21	Function of land trust . . . . .	20
22	Land trust to indemnify grantees . . . . .	20
23	Dissolution of land trust if transferred land becomes granted land . . . . .	20
24	Transfer of property to new land trust if part of transferred land becomes granted land . . . . .	21
<b>Division 1A</b>	<b>Rules of land trusts</b>	
<b>Subdivision 1</b>	<b>Adoption of rules</b>	
24A	Adoption of rules . . . . .	22
24B	Content of adopted rules . . . . .	22
<b>Subdivision 2</b>	<b>Rules about proxies</b>	
24C	Definition for sdiv 2 . . . . .	23
24D	Application of sdiv 2 . . . . .	23
24E	Appointing proxy . . . . .	23
24F	When appointment of proxy is effective . . . . .	24
24G	Counting proxies for quorum . . . . .	24
<b>Subdivision 3</b>	<b>Rule about resolutions of executive committee without meetings</b>	
24H	Application of sdiv 3 . . . . .	25
24I	Resolution of executive committee without meeting . . . . .	25
<b>Division 2</b>	<b>Grantees</b>	
25	Composition of land trust . . . . .	25
26	Payments to grantees of land trust . . . . .	25
27	Chairperson and deputy chairperson—appointment . . . . .	25
28	Resignation of grantees . . . . .	26
29	Protection in regard to notice when a person is grantee of more than 1 area of land . . . . .	26
30	Immunity of grantees . . . . .	26
<b>Division 3</b>	<b>Trust property</b>	
31	Property to be held on trust . . . . .	27
32	Powers in respect of trust property . . . . .	27
33	Funds to be invested in accordance with Trusts Act 1973 . . . . .	27

34	Staff and consultants, and grantees' expenses, to be paid from trust property . . . . .	28
35	Application of insurance money . . . . .	28
<b>Division 4</b>	<b>Accounts, annual financial statements and audit requirements</b>	
35A	Accounts . . . . .	28
35B	Annual financial statement . . . . .	28
35C	Audit requirements . . . . .	29
<b>Division 5</b>	<b>General meetings</b>	
35D	Holding general meetings . . . . .	30
35DA	Chief executive may call general meeting . . . . .	30
35E	Material to be given to chief executive . . . . .	31
35EA	Land trust to keep minutes of meetings . . . . .	32
<b>Division 6</b>	<b>Land Trust register</b>	
35F	Keeping land trust register . . . . .	32
35G	Obtaining information in land trust register . . . . .	33
<b>Part 4</b>	<b>Powers of Supreme Court</b>	
36	Jurisdiction of Supreme Court . . . . .	34
37	Power of court to relieve grantee from personal liability . . . . .	34
38	Court may order beneficiary to indemnify for certain breaches . . . . .	34
39	Right of grantees or land trust to apply to court for directions . . . . .	35
40	Court's jurisdiction to make orders conferring power on grantees or land trust . . . . .	35
41	Protection of grantees or land trust while acting under direction of court . . . . .	36
42	Power of Supreme Court to make orders in absence of grantee . . . . .	37
43	Power of Supreme Court to charge costs on trust property . . . . .	38
<b>Part 5</b>	<b>Code of conduct about mining leases</b>	
46	Code of conduct about mining leases . . . . .	38
<b>Part 6</b>	<b>Appeals to Land Appeal Court</b>	
48	Part made for purposes of s 117 of the Act . . . . .	39
49	Institution of appeal to Land Appeal Court . . . . .	39
50	Court may accept some non-compliance with s 49 . . . . .	39
51	Other parties may lodge notice of appearance . . . . .	40
52	Parties to prepare summary of arguments and of new evidence . . . . .	40
53	Legal representation . . . . .	41
54	Forms set out in Land Appeal Court Rules . . . . .	41

Contents

---

<b>Part 7</b>	<b>Mining royalties</b>	
55	Prescribed percentage—Act, s 88 . . . . .	41
<b>Part 8</b>	<b>Declarations</b>	
58	Tidal land that is available State land—Act, s 21 . . . . .	42
59	Available State land that is transferable land—Act, s 12 . . . . .	42
60	Available State land that is claimable land—Act, s 18 . . . . .	42
61	Transferred land that is not claimable land . . . . .	42
62	Aboriginal reserve land—Act, s 14 . . . . .	42
<b>Part 9</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Natural Resources Legislation Amendment Regulation (No. 2) 1998</b>	
63	First rules for land trust already in existence . . . . .	43
64	First financial year for applying pt 3, divs 4 and 5 . . . . .	43
<b>Division 2</b>	<b>Transitional provision for Audit Legislation Amendment Act 2006</b>	
65	Persons appointed to perform certain audits before commencement . . . . .	44
<b>Division 3</b>	<b>Transitional provision for Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2008</b>	
66	Particular rules taken to be adopted rules . . . . .	44
<b>Schedule 1</b>	<b>Tidal land that is available State land . . . . .</b>	<b>46</b>
<b>Schedule 2</b>	<b>Available State land that is transferable land . . . . .</b>	<b>47</b>
<b>Schedule 3</b>	<b>Available State land that is claimable land . . . . .</b>	<b>53</b>
<b>Schedule 4</b>	<b>Transferred land that is not claimable land . . . . .</b>	<b>55</b>
<b>Schedule 5</b>	<b>Aboriginal Reserve land . . . . .</b>	<b>59</b>
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	61
2	Date to which amendments incorporated . . . . .	61
3	Key . . . . .	62
4	Table of reprints . . . . .	62
5	Tables in earlier reprints . . . . .	64
6	List of legislation . . . . .	64
7	List of annotations . . . . .	68

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# Aboriginal Land Regulation 1991

[as amended by all amendments that commenced on or before 19 August 2011]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Aboriginal Land Regulation 1991*.

### 2 Definitions

In this regulation—

*adopted rules*, of a land trust, see section 24A(1).

*application for incorporation* means an application under part 2, division 1.

*association* means an Aboriginal land claim association incorporated under this regulation.

*disposition*, in section 40, means a sale, lease, mortgage, surrender, release or another type of disposition.

*executive committee*, of a land trust, means the committee of the land trust primarily responsible for the management of the land trust.

*grantee*, in relation to a land trust, means—

- (a) the grantee who, under this regulation, forms the land trust; or
- (b) 1 of the grantees who, under this regulation, forms the land trust; or
- (c) another person appointed as a trustee of the Aboriginal land held by the land trust.

[s 2]

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**land claim** means a claim under the Act for claimable land.

**land claim purposes**, in relation to a group of Aboriginal people who make a claim under section 45 of the Act, means—

- (a) investigating if a land claim can be made under the Act by, or on behalf of, the members of the group; and
- (b) if a land claim can be made—preparing and making the land claim; and
- (c) doing all things necessary or convenient for the preparation and presentation of the land claim before the Land Tribunal; and
- (d) starting and conducting legal proceedings in connection with the land claim.

**land trust register** means the register established and maintained by the chief executive under section 35F.

**meeting**, for part 3, division 1A, subdivision 2, see section 24C.

**proposed association**, in relation to an application for incorporation, means the Aboriginal land claim association that the applicants propose to constitute by their incorporation under this regulation.

**public officer**, in relation to an association, means the person appointed by the association as its public officer, or to act in the position of public officer.

**rules**, of an association or land trust, means the rules of the association or land trust as in force from time to time.

**transaction**, in section 40, means a purchase, investment, acquisition, retention, expenditure or another type of transaction.

**trust property**, in relation to grantees or a land trust, includes—

- (a) income derived from Aboriginal land held or leased by the grantees or the land trust; and

- (b) amounts paid in relation to—
    - (i) the grant of an interest in the land; or
    - (ii) the creation of a mining interest in the land; or
    - (iii) an agreement entered into in respect of the land;  
and
  - (c) amounts paid by any person or governmental authority;  
and
  - (d) any other property;
- that is received or acquired by the grantees or the land trust.

## **Part 2                      Land claimants may be incorporated**

### **Division 1                  Application for incorporation**

#### **3                      Land claimants may apply for incorporation**

- (1) The following persons may apply to the land claims registrar for incorporation under this part as an Aboriginal land claim association—
  - (a) if members of a group of Aboriginal people intend to make a land claim on their own behalf and on behalf of other Aboriginal people in the group—the members of the group;
  - (b) in any other case—the group of Aboriginal people who intend to make the claim.
- (2) This part—
  - (a) is to be read so as to provide the benefits of incorporation to persons who may make a claim under

[s 4]

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section 45 of the Act and apply for incorporation under this regulation; and

- (b) is not to be read so as to limit section 45 of the Act.

#### **4 Application for incorporation—form and content**

- (1) An application for incorporation is to be in writing and signed by each of the applicants for incorporation.
- (2) The application is to include all of the following things—
  - (a) the names and addresses of the applicants for incorporation;
  - (b) if applicable and to the extent practicable—the names and addresses of the Aboriginal people on whose behalf the applicants are applying for incorporation;
  - (c) the objects of the proposed association;
  - (d) the place where the activities of the proposed association are to be conducted;
  - (e) the name of the proposed association;
  - (f) a copy of the rules of the proposed association by which its affairs are to be regulated.
- (3) The name of the proposed association—
  - (a) is to include the words ‘Aboriginal land claim association’; and
  - (b) is to be a name that is available under the Corporations Law.

#### **5 Rules for proposed association to provide for certain things**

- (1) The rules of the proposed association are to provide for all of the following things—
  - (a) the qualifications of the members of the proposed association;

- 
- (b) the constitution and functions of the committee primarily responsible for the proposed association's management;
  - (c) the process for decision making by the proposed association and its committees;
  - (d) the position of public officer;
  - (e) the creation of its executive offices and the procedure for filling them;
  - (f) the procedure for settling disputes between the proposed association and its members;
  - (g) the procedure for the conduct of meetings of the proposed association and its committees;
  - (h) the way in which the proposed association's funds are to be managed;
  - (i) the procedure for amending the proposed association's objects;
  - (j) the procedure for amending the proposed association's rules, whether by making new rules or by varying or rescinding rules in force;
  - (k) the procedure for the dissolution or winding-up of the proposed association;
  - (l) the appointment of a person to act in the position of a member of the committee primarily responsible for the management of the proposed association, the public officer or an executive officer when the member or officer is, or is to be, absent;
  - (m) the distribution of the assets, or the discharge of the liabilities, of the proposed association on its dissolution or winding-up;
  - (n) the requirements for affixing the common seal to documents.
- (2) The proposed rules—
- (a) may provide for any other thing not contrary to law; and

[s 6]

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- (b) may be based on Aboriginal tradition; and
- (c) are subject to this regulation.

## **Division 2                    Land claims registrar to deal with application**

### **6            Land claims registrar to deal with application**

When the land claims registrar receives an application for incorporation, the registrar must deal with the application under this division.

### **7            Land claims registrar must issue certificate of incorporation unless grounds for refusal**

- (1) The land claims registrar must issue a certificate of incorporation unless there are grounds for refusing the application.
- (2) The registrar must refuse to issue a certificate if the registrar is satisfied that—
  - (a) the application does not comply with sections 4 and 5; or
  - (b) the rules of the proposed association are not reasonable; or
  - (c) the proposed association is to be formed for a purpose other than land claim purposes.

### **8            Procedure if land claims registrar refuses application**

- (1) If the land claims registrar refuses to issue a certificate of incorporation, the registrar must, in writing—
  - (a) inform the applicants for incorporation of the refusal and the reasons for it; and

- 
- (b) invite the applicants to change such part of the application for incorporation as is necessary before the registrar must issue a certificate of incorporation.
- (2) The invitation is to set out—
    - (a) the types of changes that are necessary; and
    - (b) the deadline for the making of the changes or for the applicants to notify the registrar of the reasons for not making the changes.
  - (3) The registrar may provide assistance to the applicants so that they can change the application.

## **Division 3                      Effects of incorporation**

### **9                      Effect of issue of certificate of incorporation**

- (1) If the land claims registrar issues a certificate of incorporation, the applicants are incorporated under this regulation as an Aboriginal land claim association on the day the registrar issues the certificate.
- (2) The association—
  - (a) is a body corporate with perpetual succession; and
  - (b) is to have a common seal; and
  - (c) may acquire, hold and dispose of personal property (including a lease); and
  - (d) may borrow, receive and spend money; and
  - (e) may sue and be sued in its corporate name; and
  - (f) may employ such staff and engage such consultants as are necessary for its land claim purposes.
- (3) The association may not acquire, hold or dispose of any interest in real property (other than a lease).
- (4) The association's name is the name set out in its certificate of incorporation.

[s 10]

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- (5) The common seal is effective only if the association's name is inscribed on the seal in legible characters, but the seal may include other words.
- (6) All courts, judges and persons acting judicially must take notice of the imprint of the common seal affixed to a document and must presume that the common seal was duly affixed.

## **10 Rules of association on incorporation**

The rules of an association on its incorporation are the proposed rules at the time the land claims registrar issues the certificate of incorporation (including any changes made before that time).

## **11 Membership of association on incorporation**

- (1) The membership of an association on its incorporation consists of—
  - (a) if the applicants for incorporation intend to make a land claim on their own behalf and on behalf of other Aboriginal people who are members of the group—the applicants for incorporation; or
  - (b) in any other case—all of the applicants.
- (2) A person who is not an Aborigine, or the husband or wife of an Aborigine, is not entitled to become a member of an association.

## **12 Vesting of property in Aboriginal land claim associations**

- (1) Subject to subsection (3), this section applies if a person holds personal property (in trust or otherwise) for or on behalf of—
  - (a) the applicants for incorporation, as members of a group of Aboriginal people; or
  - (b) all or some of the group of Aboriginal people on whose behalf the applicants have made the application, as members of the group of Aboriginal people.

- (2) The person may vest the property in the association.
- (3) This section—
  - (a) applies subject to the terms of any trust, covenant, contract or liability affecting the property; and
  - (b) does not apply to personal property consisting of an estate or interest in land; and
  - (c) does not apply to personal property held on a basis unconnected with the Aboriginality of the people on whose behalf the property is held or their membership of the group of Aboriginal people.

### **13 Powers to borrow money and give securities**

- (1) An association may—
  - (a) raise or borrow money on such terms, and in such way, as it considers appropriate; and
  - (b) secure the payment of money raised or borrowed, or the discharge of the association's liabilities, by giving a mortgage, charge or other security on or over all or part of the association's property (other than an interest in land).
- (2) This section is subject to this regulation and the association's rules.

### **14 Appointment of public officer and determination of official address**

- (1) The committee primarily responsible for the management of an association must, within 3 weeks after the association comes into existence—
  - (a) appoint a person to be the association's public officer; and
  - (b) determine an official address for the public officer.

[s 15]

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- (2) The committee must, within 2 weeks of the appointment, notify the land claims registrar of the name of the public officer and the official address.
- (3) When the public officer resigns, the resignation does not take effect until it is accepted by the committee.
- (4) The committee must terminate the appointment of its public officer if the public officer becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounds with his or her creditors.
- (5) Subsection (4) does not limit the power of an association to terminate the appointment of its public officer for any other reason.

## **Division 4                   Amendment of the objects or rules**

### **15           Amendment of objects or rules**

- (1) This section applies when an association resolves to amend its objects or rules.
- (2) The public officer must, within 6 weeks after a resolution to amend the association's objects or rules, file with the land claims registrar a copy of the resolution.
- (3) The registrar must consider the resolution and must—
  - (a) if satisfied that it is proper to do so—approve the amendment; or
  - (b) if not so satisfied—refuse to approve the amendment.
- (4) The registrar must notify the public officer, in writing, of—
  - (a) the approval; or
  - (b) the refusal and the reasons for it.
- (5) The resolution does not take effect until the registrar approves of it.
- (6) An amendment of the objects or rules of an association does not affect a right or obligation of the association or of another

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person, or a legal proceeding, existing or pending immediately before the amendment is approved by the registrar.

## **Division 5                      Dissolution or winding-up of association**

### **16            Dissolution**

- (1) If an association has been incorporated for land claim purposes for only 1 area of land, the association must, before the end of 6 months after any of the following, resolve to dissolve itself—
  - (a) the association's resolution not to make a claim for the land;
  - (b) the refusal of the land claims registrar to accept the land claim (or any amended land claim) made by the association for the land;
  - (c) the determination of the land claim.
- (2) If an association has been incorporated for land claim purposes for 2 or more areas of land and the association has made claims for all the areas of land for which the association was incorporated, the association must, before the end of 6 months after the determination of the last one of the land claims, resolve to dissolve itself.
- (3) If an association has been incorporated for land claim purposes for 2 or more areas of land but has not made claims for all areas of land for which the association was incorporated, the association must, before the end of 6 months after any of the following, resolve to dissolve itself—
  - (a) the determination of all the land claims which the association has made and the association's resolution not to make any more land claims;
  - (b) the determination of all the land claims which the association has made and the refusal of the land claims

[s 17]

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registrar to accept a land claim (or an amended land claim) for the only area of land not yet the subject of a land claim.

- (4) The public officer must, within 3 weeks after the resolution for the association's dissolution, lodge with the land claims registrar a copy of the resolution.
- (5) The registrar must, within 3 weeks after the lodging of the copy of the resolution, publish in the gazette, a notice of the passing of the resolution to which the notice relates.
- (6) The association is dissolved on the day the notice is published in the gazette or a later day specified in the notice.

#### **17 Application by land claims registrar for winding-up of association if it does not resolve to dissolve itself**

- (1) If the land claims registrar considers that an association has not resolved to dissolve itself as required by section 16(1) or (2), the registrar may request the committee primarily responsible for the association's management to give to the registrar a written explanation as to why the association has not resolved to dissolve itself.
- (2) The request is to be made by written notice to the public officer and is to include the deadline for the receipt by the registrar of the written explanation.
- (3) If—
  - (a) the committee fails to give the registrar a written explanation; or
  - (b) the registrar considers that an explanation given by the committee is not satisfactory;

the registrar may petition the Supreme Court for an order to wind-up the association.

#### **18 Involuntary winding-up of association by Supreme Court**

- (1) An association may be wound-up by an order of the Supreme Court on the petition of—

- (a) the association; or
  - (b) a creditor of the association; or
  - (c) a member of the association; or
  - (d) the land claims registrar.
- (2) The petition is to contain at least 1 of the following grounds—
- (a) the association has, in accordance with its rules, resolved that it be wound-up by the Supreme Court;
  - (b) the association has not, within 1 year after its incorporation, taken any substantial action to achieve the land claim purposes for which it was incorporated;
  - (c) the association is unable to pay its debts;
  - (d) the members of the committee primarily responsible for the management of the association have acted in the association's affairs in a way that is unfair or unjust to the members of the group of Aboriginal people on whose behalf the application for incorporation was made;
  - (e) it is just and equitable that the association be wound-up.
- (3) The association is to be taken to be unable to pay its debts if—
- (a) both of the following apply—
    - (i) a creditor, by assignment or otherwise, to whom the association is indebted for an amount of more than \$1000 has, by written notice of demand on the association's public officer, required the association to pay the amount;
    - (ii) the association has not, within 28 days after service of the demand, paid the amount or secured or compounded it to the reasonable satisfaction of the creditor; or
  - (b) execution or other process issued on a judgement, decree or order of a court in favour of a creditor of the association is returned unsatisfied in whole or in part; or

[s 19]

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- (c) it is proved to the satisfaction of the Supreme Court that, taking into account the contingent and prospective liabilities of the association, the association is unable to pay its debts.
- (4) Without limiting the power of the Supreme Court to make orders in relation to the winding-up of incorporated bodies, the court may make any order that it considers proper for—
  - (a) the payment of the association's debts and liabilities; and
  - (b) the distribution of the association's assets.

## **Part 3                      Land trusts**

### **Division 1                Formation**

#### **19            Incorporation of grantees as land trust**

- (1) When a deed of grant or a lease of land is granted under the Act for the benefit of—
  - (a) in the case of transferred land—Aboriginal people; or
  - (b) in the case of granted land—the group of Aboriginal people for whose benefit the land was granted;the grantees are incorporated under this part as a land trust.
- (2) As soon as possible after the grantees are incorporated, the Minister must, by gazette notice, specify—
  - (a) the name of the land trust; and
  - (b) the description of the land as set out in the deed of grant or lease held by the grantees; and
  - (c) an address for service of documents on the land trust.

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- (3) The name of a land trust must include the words ‘Land Trust’ as the last 2 words of its name.
  - (4) A land trust may hold more than 1 area of land.

## **20 Nature of land trust—body corporate etc.**

- (1) A land trust—
  - (a) is a body corporate with perpetual succession; and
  - (b) is to have a common seal; and
  - (c) may acquire, hold and dispose of real and personal property; and
  - (d) may borrow, receive and spend money; and
  - (e) may sue and be sued in its corporate name; and
  - (f) may employ such staff and engage such consultants as are necessary for the performance of its function.
- (2) The common seal is effective only if the land trust’s name is inscribed on the seal in legible characters, but the seal may include other words.
- (3) The common seal is to be kept by a person who is authorised by the land trust for that purpose.
- (4) The common seal may be affixed to a document only with the written authority signed by—
  - (a) if the land trust consists of 1 grantee—the grantee; or
  - (b) if the land trust consists of no more than 3 grantees—the chairperson of the land trust and at least 1 other grantee; or
  - (c) in any other case—
    - (i) the chairperson and at least 2 other grantees; or
    - (ii) at least 3 grantees.
- (5) All courts, judges and persons acting judicially must take notice of the imprint of the common seal affixed to a

[s 21]

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document and must presume that the common seal was duly affixed.

## **21 Function of land trust**

- (1) The function of a land trust is to provide a legal entity by which the grantees of transferred land or granted land may, in accordance with the Act and this regulation, perform their functions.
- (2) A land trust may exercise all powers necessary or convenient to perform its function.
- (3) Without limiting subsection (2) and for the purposes of sections 28B and 65(4) of the Act, a land trust may perform all the functions, and exercise all the powers, of a trustee under the *Trusts Act 1973*.
- (4) Subsection (3) is subject to any contrary intention in the Act or this regulation.

## **22 Land trust to indemnify grantees**

A land trust is to indemnify all grantees engaged in giving effect to the Act or this regulation against all proceedings and claims in relation to—

- (a) acts done, or omitted to be done, by the grantee without negligence under the Act; and
- (b) acts done, or omitted to be done, by the grantee in good faith and without negligence purportedly for the purposes of the Act or this regulation.

## **23 Dissolution of land trust if transferred land becomes granted land**

- (1) This section applies if—
  - (a) the whole of an area of transferred land becomes granted land; and

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- (b) a land trust was formed by the grantees of the transferred land; and
  - (c) the Minister appoints different grantees to hold the deed of grant or lease of the granted land.
- (2) The Minister must, by gazette notice, dissolve the land trust formed by the grantees of the transferred land.
- (3) When the land trust is dissolved, all its property, rights and liabilities become the property, rights and liabilities of the land trust formed by the grantees of the granted land.

**24 Transfer of property to new land trust if part of transferred land becomes granted land**

- (1) This section applies if—
- (a) a part of transferred land becomes granted land; and
  - (b) a land trust was formed by the grantees of the transferred land; and
  - (c) the Minister appoints different grantees to hold the deed of grant or lease of the granted land.
- (2) The Minister must, by gazette notice—
- (a) set out the description of the land as set out in the deed of grant or lease, held by the grantees of the granted land; and
  - (b) specify the property, rights and liabilities of the grantees of the transferred land and the land trust formed by them that are to become the property, rights or liabilities of the grantees of the granted land or the land trust formed by them.
- (3) On publication of the gazette notice, the specified property, rights and liabilities of the grantees of the transferred land and the land trust formed by them become the property, rights and liabilities of the grantees of the granted land and the land trust formed by them.

## **Division 1A            Rules of land trusts**

### **Subdivision 1        Adoption of rules**

#### **24A    Adoption of rules**

- (1) A land trust must adopt rules governing the land trust (*adopted rules*).
- (2) A land trust must adopt its first rules as soon as practicable after it comes into existence.
- (3) Within 28 days after a land trust adopts its first rules, adopts changes to its adopted rules or adopts new rules, the land trust must give the chief executive a copy of its adopted rules.
- (4) If there is an inconsistency between subdivision 2 or 3 and a land trust's adopted rules, the subdivision prevails to the extent of the inconsistency.

#### **24B    Content of adopted rules**

The adopted rules of a land trust must include provision for the following—

- (a) the establishment, membership and functions of the land trust's executive committee;
- (b) the process for decision making by the land trust and its committees;
- (c) the creation of the land trust's executive offices and the procedure for filling the offices;
- (d) the appointment of a person to act in the position of a member of the executive committee when the member is, or is to be, absent;
- (e) the procedure for settling disputes between the land trust and the individual grantees of the land trust;
- (f) the frequency of meetings of the executive committee, and how the meetings are to be held;

- (g) the way the land trust's general meetings are to be called and held;
- (h) requirements for managing trust property, including requirements for the following—
  - (i) keeping records of the land trust's transactions;
  - (ii) procedures for authorising payments, and for making payments, out of the land trust's funds;
  - (iii) keeping control over trust property;
  - (iv) procedures for incurring liabilities by or for the land trust;
- (i) the procedure for adopting changes to the adopted rules of the land trust and for adopting new rules.

## **Subdivision 2 Rules about proxies**

### **24C Definition for sdiv 2**

In this subdivision—

*meeting*, of a land trust, means—

- (a) a general meeting of the land trust; or
- (b) a meeting of the executive committee of the land trust.

### **24D Application of sdiv 2**

This subdivision applies to a land trust unless, under its adopted rules, the appointment of proxies for a meeting of the land trust is not permitted.

### **24E Appointing proxy**

- (1) A person who is entitled to attend and cast a vote at a meeting of the land trust may appoint an individual to attend and vote for the person at the meeting.
- (2) An appointment of a proxy is valid if—

[s 24F]

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- (a) it is signed by the person making the appointment, or otherwise authenticated in a way the land trust considers appropriate; and
- (b) it includes the following information—
  - (i) the person's name;
  - (ii) the proxy's name;
  - (iii) the meeting at which the appointment may be used.
- (3) An appointment may state the way the proxy is to vote on a particular resolution.
- (4) In this section—

*individual* means an individual who is—

  - (a) a grantee of the land trust; or
  - (b) an Aboriginal person particularly concerned with the land held by the land trust.

#### **24F When appointment of proxy is effective**

The appointment of a proxy for a meeting of the land trust is effective only if the proxy's appointment is received by the land trust before the meeting starts.

#### **24G Counting proxies for quorum**

- (1) In deciding whether a quorum is present at a meeting of the land trust, an individual attending the meeting as a proxy is counted.
- (2) However, if a person has appointed more than 1 proxy for a particular meeting, only 1 of the proxies is counted.
- (3) If an individual is attending a particular meeting both as a grantee of the land trust and as a proxy for 1 or more persons, the individual is counted only twice.
- (4) If an individual who is not a grantee of the land trust is attending a particular meeting as a proxy for 1 or more persons, the individual is counted only once.

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### **Subdivision 3      Rule about resolutions of executive committee without meetings**

#### **24H      Application of sdiv 3**

This subdivision applies to a land trust unless, under its adopted rules, a resolution of its executive committee may not be passed other than at a meeting of the committee.

#### **24I      Resolution of executive committee without meeting**

A resolution of the executive committee of a land trust is validly made by the committee, even if it is not passed at a meeting of the committee, if—

- (a) notice of the proposed resolution is given, under procedures approved by the committee, to all members of the committee entitled to vote on the resolution; and
- (b) all members of the committee entitled to vote on the resolution give written agreement to the resolution.

### **Division 2              Grantees**

#### **25      Composition of land trust**

A land trust for an area of land consists of all the grantees for the time being for the area of land.

#### **26      Payments to grantees of land trust**

A grantee may be paid an amount equal to expenses reasonably incurred, or to be incurred, in relation to the performance of the grantee's functions under the Act or this regulation.

#### **27      Chairperson and deputy chairperson—appointment**

- (1) The grantees of a land trust must appoint—

[s 28]

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- (a) a grantee as the chairperson of the land trust; and
  - (b) if there is more than 1 grantee—a grantee as the deputy chairperson of the land trust.
- (2) The deputy chairperson may act as the chairperson during—
- (a) a vacancy in the office of chairperson; or
  - (b) any period when the chairperson is absent from duty or from the State or is, for any reason, unable to perform the duties of the office of chairperson.

## **28 Resignation of grantees**

- (1) A grantee may resign by writing delivered to the Minister.
- (2) The resignation does not take effect until it is accepted by the Minister.

## **29 Protection in regard to notice when a person is grantee of more than 1 area of land**

A grantee who is appointed for the purpose of holding more than 1 deed of grant or lease of land under the Act is not, in the absence of fraud, to be affected by notice of any instrument, fact or thing in relation to a particular deed of grant or lease of land if the grantee has obtained the notice merely because of acting or having acted as grantee in relation to another deed of grant or lease.

## **30 Immunity of grantees**

- (1) A grantee—
  - (a) is chargeable only for money and securities actually received even though the grantee signed a receipt for the money or security; and
  - (b) is answerable and accountable only for the grantee's own acts, receipts, neglects or defaults.
- (2) Without limiting the generality of subsection (1), a grantee is not answerable or accountable for—

- (a) the acts, receipts, neglects or defaults of another grantee or the land trust; or
- (b) the acts, receipts, neglects or defaults of a bank, broker or other person with whom trust property may be deposited; or
- (c) the insufficiency or deficiency of any securities or another loss unless the insufficiency, deficiency or loss happens through the grantee's default.

### **Division 3                      Trust property**

#### **31            Property to be held on trust**

A grantee or land trust is to hold, invest, use and distribute trust property—

- (a) for the benefit of the Aboriginal people for whose benefit the grantee or the land trust holds the trust property; and
- (b) in accordance with the Act and this regulation.

#### **32            Powers in respect of trust property**

- (1) The land trust may exercise the powers that an owner of real or personal property can exercise in relation to the owner's real or personal property.
- (2) Subsection (1) is subject to the Act and this regulation.

#### **33            Funds to be invested in accordance with Trusts Act 1973**

- (1) A land trust may invest trust property only in accordance with section 21 of the *Trusts Act 1973*.
- (2) All trust property is to be invested in the name of the land trust.

[s 34]

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**34 Staff and consultants, and grantees' expenses, to be paid from trust property**

- (1) The cost of employing staff or engaging consultants to assist the grantees or a land trust may be paid out of the trust property of the land trust.
- (2) Amounts to be paid to grantees under section 26 may be paid out of the trust property of the land trust.

**35 Application of insurance money**

- (1) Money received or receivable under a policy of insurance for the loss or damage to property held, owned or leased by grantees or a land trust is part of the capital of the trust property.
- (2) The whole or a part of the money received or receivable may also be applied by the grantees or the land trust (and is to be applied if ordered by the Supreme Court) in rebuilding, reinstating, replacing or repairing the property lost or damaged.

**Division 4 Accounts, annual financial statements and audit requirements**

**35A Accounts**

- (1) A land trust must establish the accounts necessary or convenient for its operation as a land trust.
- (2) The land trust must make sure its accounts are kept properly.

**35B Annual financial statement**

- (1) A land trust must, by 30 September each year, prepare and adopt an annual financial statement for the financial year most recently ended, if the land trust's total income from all sources for that financial year is more than \$10000.

- (2) If a land trust prepares and adopts an annual financial statement under subsection (1), the land trust must give a copy of the statement to the chief executive within 28 days after it is adopted.

### **35C Audit requirements**

- (1) A land trust must have its accounts audited for each financial year by a person who is—
  - (a) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or
  - (b) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’; or
  - (c) a member of the National Institute of Accountants who is entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’; or
  - (d) a person approved in writing by the chief executive as having the necessary skills and experience for conducting the audit.
- (2) The land trust must make sure the audit is completed, and it receives the audit report, by 30 November in the financial year after the financial year for which the accounts are audited.
- (3) The land trust must give the chief executive a copy of the audit report within 28 days after the land trust receives it.
- (4) Despite subsections (1) to (3), a land trust is not required to have its accounts audited for a financial year (the *latest financial year*) if the land trust’s total income from all sources for the latest financial year is not more than \$10000.

## **Division 5                      General meetings**

### **35D     Holding general meetings**

- (1) A land trust must hold an annual general meeting as soon as practicable after the end of each financial year.
- (2) However, a land trust need not hold a meeting under subsection (1) if—
  - (a) the land trust's total income from all sources for the financial year is not more than \$10000; and
  - (b) the land trust was not required, under its rules, to hold an election in the financial year for members of its executive committee; and
  - (c) the executive committee of the land trust considers there are no items of business for an annual general meeting.
- (3) A land trust may hold a special general meeting at any time.
- (4) A general meeting must be called and held in the way required under the rules of the land trust.
- (5) Subsection (4) is subject to section 35DA.

### **35DA   Chief executive may call general meeting**

- (1) This section applies if—
  - (a) at least 3 individual grantees of a land trust ask the chief executive in writing to call a general meeting of the land trust; and
  - (b) the chief executive is satisfied—
    - (i) the holding of the meeting is for a purpose relevant to the land trust; and
    - (ii) it is appropriate in the circumstances to hold the meeting.
- (2) The chief executive may, by written notice given to the land trust and each grantee of the land trust, call a general meeting of the land trust.

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- (3) The chief executive, or another person approved by the chief executive, is the chairperson of the meeting.
  - (4) The quorum for the meeting is—
    - (a) the number of grantees, decided by the chief executive before the meeting is held, that the chief executive considers appropriate in the circumstances; or
    - (b) if paragraph (a) does not apply—3 grantees.

### **35E Material to be given to chief executive**

- (1) As soon as practicable after a land trust holds an annual general meeting after the end of a financial year, it must give the chief executive—
  - (a) a copy of the minutes of the meeting; and
  - (b) a compliance statement for the financial year; and
  - (c) the names and addresses of all the current grantees of the land trust; and
  - (d) the name of each member of the land trust's executive committee, and the position held by the member; and
  - (e) a contact telephone number for the chairperson and secretary of the land trust; and
  - (f) the land trust's address for the service of documents and a contact telephone number for the land trust.
- (2) If, under section 35D(2), a land trust need not hold an annual general meeting after the end of a financial year, the land trust must as soon as practicable after the end of the year give to the chief executive—
  - (a) a compliance statement for the financial year; and
  - (b) the names and addresses of all the current grantees of the land trust; and
  - (c) the name of each member of the land trust's executive committee, and the position held by the member; and

[s 35EA]

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- (d) a contact telephone number for the chairperson and secretary of the land trust; and
  - (e) the land trust's address for the service of documents and a contact telephone number for the land trust.
- (3) In this section—

*compliance statement*, for a financial year, means a statement in the approved form about a land trust's compliance in the financial year with the obligations imposed on it under the Act and the rules of the land trust.

### **35EA Land trust to keep minutes of meetings**

A land trust must keep minutes of its general meetings.

## **Division 6 Land Trust register**

### **35F Keeping land trust register**

- (1) The chief executive must establish and maintain a land trust register.
- (2) The register must contain all the following information about each land trust—
  - (a) the land trust's name, address for the service of documents and contact telephone number;
  - (b) a description of the Aboriginal land held by the land trust;
  - (c) the names and addresses of all the current grantees of the land trust;
  - (d) the name of each member of the land trust's executive committee, and the position held by the member;
  - (e) a contact telephone number for the chairperson and secretary of the land trust;
  - (f) a copy of the land trust's adopted rules;

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- (g) copies of annual financial statements and audit reports the chief executive receives from the land trust under division 4.
  - (3) A land trust must give to the chief executive all the information the chief executive reasonably requires to ensure the information in the register about the land trust is accurate.
  - (4) The chief executive may keep the register in the form the chief executive considers appropriate, including, for example, in electronic form.

### **35G Obtaining information in land trust register**

- (1) A person may, in the approved form, ask the chief executive to give the person information about a land trust included in the land trust register.
- (2) The chief executive must, if asked under subsection (1), give a person the information included in the publicly available part of the land trust register for a land trust.
- (3) The chief executive may, if asked under subsection (1), give a person the additional information for a land trust only if the chairperson of the land trust consents in writing to the giving of the information.
- (4) In this section—

*additional information*, for a land trust, means the following—

- (a) the names of all the current grantees of the land trust;
- (b) the information mentioned in section 35F(2)(d), (f) or (g).

*publicly available part*, of the land trust register for a land trust, means the part of the register containing the following information for the land trust—

- (a) the information mentioned in section 35F(2)(a) or (b);
- (b) the names of the chairperson and secretary.

## **Part 4 Powers of Supreme Court**

### **36 Jurisdiction of Supreme Court**

- (1) Subject to subsection (2), the jurisdiction of the Supreme Court under the *Trusts Act 1973* includes matters arising under the Act.
- (2) The powers of the Supreme Court under the *Trusts Act 1973* are to be exercised—
  - (a) if provision is made in this regulation concerning a matter—in accordance with this regulation; or
  - (b) in any other case—in a way that is consistent with, and best achieves, the purposes of the Act and this regulation.

### **37 Power of court to relieve grantee from personal liability**

- (1) This section applies if it appears to the Supreme Court that a grantee is or may be personally liable for a breach of trust by the grantee, another grantee or the land trust.
- (2) If it appears to the court that the grantee—
  - (a) has acted honestly and reasonably; and
  - (b) ought fairly to be excused for the breach of trust or for omitting to obtain the directions of the court in the matter in which the grantee, the other grantee or the land trust committed the breach;

the court may relieve the grantee wholly or partly from personal liability for the breach.

### **38 Court may order beneficiary to indemnify for certain breaches**

- (1) This section applies if a grantee or a land trust commits a breach of trust at the instigation or request of, or with the written consent of, a beneficiary.

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- (2) The Supreme Court may, as it considers just, order that all or part of the interest of the beneficiary in the trust property is impounded to indemnify the grantee, the land trust or persons claiming through the grantee or land trust.

**39 Right of grantees or land trust to apply to court for directions**

- (1) A grantee or a land trust may apply to the Supreme Court for directions in relation to—
- (a) the trust property or its management or administration;  
or
  - (b) the exercise of a power of the grantees or the land trust.
- (2) The application is to be served on, and the hearing of the application may be attended by, all persons interested in the application or such of them (or their representatives) as the court considers appropriate.

**40 Court's jurisdiction to make orders conferring power on grantees or land trust**

- (1) This section applies if, in the Supreme Court's opinion, a disposition or transaction—
- (a) is expedient for the management or administration of trust property by the grantees or a land trust; or
  - (b) would be in the best interest of the Aboriginal people, or a majority of the Aboriginal people, for whose benefit the property is held;
- but—
- (c) it is inexpedient, difficult or impractical to effect the disposition or transaction without the assistance of the Supreme Court; or
  - (d) the grantees or the land trust do not have power under the Act to effect the disposition or transaction.
- (2) The Supreme Court may—

[s 41]

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- (a) confer on the grantees or the land trust the necessary power for the purpose of effecting the disposition or transaction (other than a power to sell or mortgage Aboriginal land), on such terms and subject to any conditions, as the court considers appropriate; and
- (b) direct the way that—
  - (i) any money authorised to be spent, and the costs of the disposition or transaction, are to be paid or borne from trust property; and
  - (ii) the money is to be apportioned between the capital and income of the trust property.
- (3) The Supreme Court may—
  - (a) rescind or vary an order under this section; or
  - (b) make a new or further order.
- (4) The rescision or variation of an order does not affect anything done by a person relying on the order before the person became aware of the application to the court to rescind or vary the order.
- (5) An application to the court under this section may be made by—
  - (a) a grantee; or
  - (b) a land trust; or
  - (c) a person for whose benefit the property is held.

#### **41 Protection of grantees or land trust while acting under direction of court**

- (1) If a grantee or land trust acts under direction of the Supreme Court, the grantee or the land trust is to be taken to have discharged the duty as trustee in the subject matter of the direction.
- (2) Subsection (1) applies even if the direction is subsequently declared invalid, overruled, set aside or otherwise rendered of no effect or varied.

- (3) This section does not indemnify a grantee or land trust in relation to an act done in accordance with a direction of the court obtained by the grantee or land trust by fraud, wilful concealment or misrepresentation or in acquiescence in the fraud, wilful concealment or misrepresentation.

**42 Power of Supreme Court to make orders in absence of grantee**

- (1) If, in a proceeding under this regulation, the Supreme Court is satisfied that—
- (a) a diligent search has been made for a grantee who is named as a party in an action; and
  - (b) the grantee can not be found to serve the grantee with a process of the court;

the court may hear and determine the proceeding and give judgement against the grantee as if the grantee had been duly served or had entered an appearance in the action, and had also appeared by counsel or solicitor at the hearing.

- (2) Subsection (1) applies without prejudice to any interest the grantee may have in the matter in question in the proceeding in any other capacity.
- (3) If a grantee, at the time of the proceeding—
- (a) is not within the jurisdiction; or
  - (b) is under a disability; or
  - (c) can not be found;

the court may appoint a person to represent the grantee and may proceed in the absence of the grantee, and all orders made in the proceeding are as binding on the grantee as if the grantee had been present and of full capacity.

[s 43]

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**43 Power of Supreme Court to charge costs on trust property**

The Supreme Court may order the costs and expenses of, and incidental to, an application for an order or direction under this regulation—

- (a) to be paid or raised out of such trust property (other than Aboriginal land) as the court considers appropriate; or
- (b) to be borne and paid in such way and by such persons as the court considers just.

**Part 5 Code of conduct about mining leases**

**46 Code of conduct about mining leases**

- (1) This section applies if—
  - (a) the proposed conditions of a mining interest that is to be created in relation to Aboriginal land include a code of conduct; or
  - (b) a term of the grantee's consent to the creation of a mining interest in Aboriginal land is, or is to be, that the conditions to which the mining interest will be subject include a code of conduct.
- (2) The grantees of transferred land or granted land, for the purposes of section 40 or 77 of the Act, must—
  - (a) explain to the Aboriginal people particularly concerned with the land, the nature, purpose and effect of the specified code of conduct; and
  - (b) give the Aboriginal people adequate opportunity to express views about the creation of a mining interest subject to the code.

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## Part 6 Appeals to Land Appeal Court

### 48 Part made for purposes of s 117 of the Act

This part is made for the purposes of section 117 of the Act.

### 49 Institution of appeal to Land Appeal Court

- (1) A party to a proceeding before the Land Tribunal may appeal, or seek leave to appeal, against a decision of the tribunal mentioned in section 117 of the Act, by giving a written notice of appeal—
  - (a) to the registrar of the Land Appeal Court; and
  - (b) to all other parties to the proceeding before the tribunal or a party's authorised agent; and
  - (c) to the registrar of the Land Tribunal.
- (2) The notice must be given no later than 42 days after the tribunal's decision was given to the party.
- (3) If there are—
  - (a) more than 5 Aboriginal people who made the land claim the subject of the decision that is appealed against; or
  - (b) more than 5 other people who have a common interest in the appeal;

the registrar of the Land Appeal Court (on application by the party who is appealing) may provide for such substituted service as the registrar considers reasonable.

### 50 Court may accept some non-compliance with s 49

If a party to a proceeding before the Land Tribunal does not comply with section 49 but—

- (a) the party complies with the section (other than subsection (2)) no later than 70 days after the tribunal's decision was given to the party and the Land Appeal

[s 51]

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Court is satisfied that the party's explanation for the failure to comply is reasonable; or

- (b) if the notice of appeal was defective—the Land Appeal Court decides that the defect does not result in a detriment to the person on whom it was served and does not mislead the registrar of the Land Appeal Court;

the party is taken to have complied with the section.

## **51 Other parties may lodge notice of appearance**

A person who—

- (a) is given a notice of appeal; and
- (b) is interested in the appeal;

may become a party to the appeal by giving the registrar of the Land Appeal Court a written notice of appearance no later than 30 days after the person was given the notice of appeal.

## **52 Parties to prepare summary of arguments and of new evidence**

- (1) A party to an appeal must give to the registrar of the Land Appeal Court, and any other party who has given a written notice of appearance, a written summary of—
  - (a) the arguments that the party intends to make at the hearing of the appeal; and
  - (b) any new evidence that the party intends to produce at the hearing of the appeal; and
  - (c) the names, addresses and occupations of the witnesses through whom it is proposed to adduce any new evidence.
- (2) The written summary must be given at least 7 days before the day on which the hearing of the appeal is set down to start.
- (3) Evidence not included in the summary under subsection (1) may be adduced at the hearing of the appeal only with the consent of the Land Appeal Court given on such terms as to

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costs and adjournments, and such conditions, as the court considers appropriate.

**53 Legal representation**

A party to an appeal may be represented by the party's counsel or solicitor (enrolled in Queensland or elsewhere) or the party's agent.

**54 Forms set out in Land Appeal Court Rules**

If a form for a type of court document is set out in the Land Appeal Court Rules, a party to an appeal must use the form (with necessary changes) when the party is required to give a form of that type.

## **Part 7 Mining royalties**

**55 Prescribed percentage—Act, s 88**

For section 88(2) of the Act, the percentage of the royalty amount is—

- (a) 100% of each \$1 of the royalty amount up to and including, but not more than, \$100000; and
- (b) 50% of each \$1 of the royalty amount that is more than \$100000 but not more than \$200000; and
- (c) 33.32% of each \$1 of the royalty amount that is more than \$200000 but not more than \$500000; and
- (d) 20% of each \$1 of the royalty amount that is more than \$500000 but not more than \$1000000; and
- (e) 10% of each \$1 of the royalty amount that is more than \$1000000.



- (2) In schedule 5, a reference to a plan is a reference to a plan held by, and available for inspection in, the department.

*Editor's note—*

A copy of the plans mentioned in sections 58, 59, 60, 61 and 62 is available for inspection at any office of the Department of Natural Resources and Water.

## **Part 9 Transitional provisions**

### **Division 1 Transitional provisions for Natural Resources Legislation Amendment Regulation (No. 2) 1998**

#### **63 First rules for land trust already in existence**

A land trust in existence at the commencement of this section must adopt its first rules under sections 21A and 21B as soon as practicable after the commencement.

#### **64 First financial year for applying pt 3, divs 4 and 5**

- (1) The first financial year to which sections 35B, 35C(1), 35D and 35E apply is the 1998–1999 financial year.
- (2) To avoid doubt about the application of section 35C(4) for the 1998–1999 and 1999–2000 financial years, it is declared that—
- (a) a land trust is not required to have its accounts audited for the 1998–1999 financial year if the land trust's total income from all sources for the 1998–1999 financial year is \$10000 or less; and
- (b) a land trust is not required to have its accounts audited for the 1999–2000 financial year if the land trust's total income from all sources for the 1999–2000 financial year is \$10000 or less, whether or not the land trust was

[s 65]

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required to have its accounts audited for the 1998–1999 financial year.

## **Division 2                      Transitional provision for Audit Legislation Amendment Act 2006**

### **65            Persons appointed to perform certain audits before commencement**

- (1) This section applies if, before the commencement, a land trust appointed a person mentioned in pre-amended section 35C(1)(a) or (b) to audit the land trust's accounts—
  - (a) for the 2004–2005 financial year and the person has not performed the audit; or
  - (b) for the 2005–2006 financial year.
- (2) For the purpose of the person performing the audit, pre-amended section 35C(1)(a) or (b) continues to apply as if the *Audit Legislation Amendment Act 2006* had not commenced.
- (3) In this section—

*commencement* means commencement of this section.

*pre-amended*, in relation to section 35C(1)(a) or (b), means the provision as in force before the commencement.

## **Division 3                      Transitional provision for Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2008**

### **66            Particular rules taken to be adopted rules**

- (1) This section applies to a land trust in existence immediately before the commencement.
- (2) The rules of the land trust that are in force immediately before the commencement are taken to be its adopted rules.

(3) In this section—

*commencement* means the day this section commences.

## **Schedule 1      Tidal land that is available State land**

section 58

- 1 Tidal land in lot 10 on plan NPW452 situated in the counties of Banks, Hann, Mosman and Warner, containing an area of about 537000ha and known as Lakefield National Park.
- 2 Tidal land—
  - (a) in lot 4 on plan NPW42 situated in the County of Melville, containing an area of about 36000ha and known as Cape Melville National Park as at 7 June 1995; and
  - (b) in areas A and B in lot 4 on plan NPW531 situated in the County of Melville and being part of Cape Melville National Park.
- 3 Tidal land in lot 8 on CP892329, counties of Melville and Banks, parishes of Murdoch, Munburra and Tupia.
- 4 Tidal land in lot 3 on SP154460, County of Norman, Parish of Kimberley.
- 5 Tidal land in lot 43 on SP191319, County of Canning, Parish of Woorim.
- 6 Tidal land in lot 6 on SP189946, County of Hann, parishes of Balclutha, Bookin and Urmo.
- 7 Tidal land in lot 92 on SP224298, County of Solander, Parish of Alexandra.

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## **Schedule 2 Available State land that is transferable land**

### **section 59**

- 1 Lot 8 on CP892329, counties of Melville and Banks, parishes of Murdoch, Munburra and Tupia, area of about 49600ha.
- 2 Lot 9 on CP893401, County of Melville, Parish of Wakooka, area of about 35100ha.
- 3 Lot 20 on CP898998, County of Norman, Parish of Norman, area of 1518m<sup>2</sup>.
- 4 Lot 48 on CP910509, County of Nares, Parish of Dulanban, area of 7.417ha.
- 5 Lots 14 and 15 on SP121904, counties of Sidmouth and Weymouth, parishes of Ebagoola, Falloch, Kesteven, Kinnaird, Kintore, Kitchener, Lilford, Lingen, Moojeeba, Sidmouth and Trollope, area of about 193000ha.
- 6 Lots 320 and 321 on SP104316, County of Fitzroy, Parish of Booie, area of 4.2034ha.
- 7 Lot 11 on SP137275, County of Dagmar, Parish of Tregoora, area of 273.9ha.
- 8 Lot 100 on SP139219, County of Beaconsfield, Parish of Cloncurry, area of 37.17ha.
- 9 Lot 4 on SP142707, County of Torres, Parish of Port Kennedy, area of about 3130ha.
- 10 Lot 2 on SP161905, County of Jardine, Parish of Burrard, area of 245.9ha.
- 11 Lot 3 on SP154460, County of Norman, Parish of Kimberley, area of 1109ha.
- 12 Lot 7 on SP142707, County of Torres, Parish of Port Kennedy, area of 14.22ha.
- 13 Lot 9 on SP142707, County of Torres, Parish of Port Kennedy, area of 42.26ha.

Schedule 2

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- 14 Lot 15 on plan MZ1159, County of Mackenzie, Parish of Gayndah, area of 0.3237ha.
- 15 Lot 110 on SP178490, County of Livingstone, Parish of Cawarral, area of 137.2ha.
- 16 Lot 17 on SP148785, County of Hann, Parish of Miyo, area of 951.1ha.
- 17 Lot 8 on SP181523, County of Torres, Parish of Port Kennedy, area of 32.56ha.
- 18 Lot 6 on SP171857, County of Melville, parishes of Bitwon and Wika, area of 22900ha.
- 19 Lot 7 on SP156403, counties of Melville and Mosman, parishes of Burmun, Calmurra, Harmal, Kalpowar, Lakefield, Watcha, Wormboo and Yimpoor, area of 169900ha.
- 20 Lot 10 on SP171856, County of Banks, Parish of Annan, area of 134.2ha.
- 21 Lot 4 on SP171859, County of Banks, Parish of Annan, area of 42.75ha.
- 22 Lot 7 on SP171858, County of Banks, Parish of Annan, area of 43.76ha.
- 23 Lot 53 on SP189922, County of Banks, Parish of Annan, area of 139.7ha.
- 24 Lot 1 on SP189914, County of Banks, parishes of Melsonby and Yarico, area of 10710ha.
- 25 Lot 2 on SP171865, counties of Coen and Sidmouth, parishes of Lankelly and Lilford, area of 2374ha.
- 26 Lot 7 on SP171864, County of Sidmouth, Parish of Lankelly, area of 134ha.
- 27 Lot 7 on SP171860, County of Sidmouth, Parish of Lovel, area of 17880ha.
- 28 Lot 50 on SP190989, County of Livingstone, Parish of Keppel, area of 31.37ha.
- 29 Lot 51 on SP190992, County of Livingstone, Parish of Keppel, area of 38.73ha.

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- 30 Lot 52 on SP190991, County of Livingstone, Parish of Keppel, area of 25.16ha.
  - 31 Lot 53 on SP190990, County of Livingstone, Parish of Keppel, area of 75.54ha.
  - 32 Lot 29 on SP190994, County of Livingstone, Parish of Keppel, area of 0.0642ha.
  - 33 Lot 7 on SP189923, County of Banks, Parish of Monkhouse, area of 13.61ha.
  - 34 Lot 43 on SP191319, County of Canning, Parish of Woorim, area of 24.35ha.
  - 35 Lots 6 and 7 on SP189946, County of Hann, parishes of Balclutha, Bookin, Kitcha and Urmo, area of 71930ha.
  - 36 Lots 1 and 2 on SP161903, County of Hann, parishes of Balclutha and Binyo, area of 40637ha.
  - 37 Lot 4 on SP189952, counties of Coen and Sidmouth, parishes of Kesteven, Lankelly, Lilford and Lovel, area of 23740ha.
  - 38 Lot 10 on SP189952, counties of Coen and Sidmouth, parishes of Lankelly and Lilford, area of 618.4ha.
  - 39 Lot 16 on SP121904, County of Sidmouth, parishes of Kesteven, Kitchener, Lilford, Lingen, Massy, Moojeeba, Sidmouth and Trollope, area of about 122000ha.
  - 40 Lot 451 on SP204109, County of Falloch, Parish of Weymouth, area of 12000ha.
  - 41 Lot 3 on SP189930, County of Sidmouth, Parish of Kesteven, area of 856.9ha.
  - 46 Lot 2 on SP218859, County of Bauhinia, Parish of Bauhinia, area of 1.072ha.
  - 47 Lot 77 on SP218860, County of Bauhinia, Parish of Bauhinia, area of 5.755ha.
  - 48 Lot 2 on SP125433, County of Cardwell, Parish of Rockingham, area of 10.86ha.
  - 49 Lot 3 on SP171843, County of Cardwell, Parish of Rockingham, area of 10.43ha.

Schedule 2

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- 50 Lot 46 on SP220278, County of Kennedy, Parish of Dunkeld, area of 3.229ha.
- 51 Lots 36 and 37 on SP215745, County of Warner, parishes of Mulkay and Kalinga, area of 79680ha.
- 52 Lot 4959 on SP230783, County of Somerset, Parish of Seymour, area of 1003ha.
- 53 Lot 5 on SP104582, counties of Banks and Melville, parishes of Munburra and Murdoch, area of 6698ha.
- 54 Lot 1 on SP235307, County of Archer, Parish of Meta, area of about 83ha.
- 55 Lots 1 to 4 and 14 to 17 on SP235312, counties of Archer and Sidmouth, parishes of Croll, Earling, Herschell, Hobhouse and Vardon, area of about 918.7ha.
- 56 Lots 1 to 32 on SP208289, counties of Banks, Hann and Mosman, parishes of Battle Camp, Boralga, Breeza, Cahir, Deighton, Dimby, Emla, Kynara, Lakefield, Miyo Wonbunya, Wandilla, Wolena and Woowullah, area of about 1736.53ha.
- 57 Lot 8 on AP20256, County of Weymouth, Parish of Weymouth, area of about 3090ha.
- 58 Lots 20 and 26 on AP20257, County of Weymouth, Parish of Weymouth, area of about 1322.32ha.
- 59 Lot 22 on AP20259, County of Weymouth, Parish of Weymouth, area of about 9400m<sup>2</sup>.
- 60 Lots 1 to 4 on CP889845, County of Weymouth, Parish of Weymouth, area of 2.9164ha.
- 61 Lot 5 on SP241410, County of Weymouth, Parish of Weymouth, area of about 127ha.
- 62 Lots 8 to 10 on SP215753, County of Weymouth, Parish of Lloyd, area of about 4672.33ha.
- 63 Lot 13 on plan WMT56, County of Weymouth, Parish of Lloyd, area of about 374ha.
- 64 Lots 4 and 5 on SP241416, County of Shelburne, Parish of Boynton, area of about 2.112ha.

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- 65 Lot 2 on SP171837, County of Solander, Parish of Clerk, area of 2.362ha.
  - 66 Lot 3 on SP171837, County of Solander, Parish of Clerk, area of 1.454ha.
  - 67 Lot 372 on SP224308, counties of Banks and Solander, parishes of Gore, Monkhouse, Clerk and Phipps, area of 20300ha.
  - 68 Lot 272 on SP224301, County of Solander, parishes of Bloomfield, Clerk, Noah, Tribulation and Alexandra, area of 33490ha.
  - 69 Lots 2 and 3 on SP226636, County of Banks, Parish of Monkhouse, area of 77.98ha.
  - 70 Lot 60 on SP215750, County of Banks, parishes of Annan and Monkhouse, area of 1010ha.
  - 71 Lots 53 and 100 on SP224327, County of Solander, Parish of Alexandra, area of 3401.45ha.
  - 72 Lot 55 on SP224300, County of Solander, Parish of Clerk, area of 223.7ha.
  - 73 Lots 58 and 59 on SP204110, County of Solander, Parish of Whyanbeel, area of 353.65ha.
  - 74 Lots 65 and 99 on SP217464, County of Solander, Parish of Alexandra, area of 5.749ha.
  - 75 Lot 71 on SP224299, County of Solander, Parish of Dagmar, area of 3163ha.
  - 76 Lot 172 on SP224303, County of Solander, Parish of Clerk, area of 148.2ha.
  - 77 Lot 74 on SP224314, County of Solander, Parish of Tribulation, area of 3.259ha.
  - 78 Lots 78 and 79 on SP215748, County of Solander, Parish of Phipps, area of 3.086ha.
  - 79 Lot 80 on SP224316, County of Solander, Parish of Tribulation, area of 5.867ha.
  - 80 Lots 81 and 220 on SP222583, County of Solander, Parish of Whyanbeel, area of 238.563ha.

Schedule 2

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- 81 Lots 44 and 61 on SP224317, County of Solander, Parish of Whyanbeel, area of 46.289ha.
- 82 Lot 92 on SP224298, County of Solander, Parish of Alexandra, area of 77.14ha.
- 83 Lots 19 and 23 on SP224288, County of Solander, Parish of Whyanbeel, area of 57.25ha.
- 84 Lot 226 on SP224320, County of Solander, Parish of Alexandra, area of 71.028ha.
- 85 Lot 173 on BK15769, County of Solander, Parish of Alexandra, area of 79.217ha.
- 86 Lot 272 on BK15780, County of Solander, Parish of Alexandra, area of 17.1874ha.
- 87 Lots 165, 166 and 167 on N157119, County of Solander, Parish of Victory, area of 1.5478ha.
- 88 Lot 33 on SR118, County of Solander, Parish of Alexandra, area of 43.68ha.
- 89 Lot 141 on SP224302, County of Solander, Parish of Alexandra, area of 164.14ha.
- 90 Lot 18 on BS18, County of Banks, Parish of Monkhouse, area of 1.214ha.
- 91 Lot 157 on SP215738, County of Banks, Parish of Monkhouse, area of 9.082ha.
- 92 Lot 32 on SP104237, County of Solander, Parish of Alexandra, area of 57.32ha.
- 93 Lot 225 on SP215749, County of Solander, Parish of Dagmar, area of 1.634ha.
- 94 Lot 34 on SP224319, County of Solander, Parish of Alexandra, area of 21.32ha.
- 95 Lot 245 on SP219631, County of Solander, Parish of Alexandra, area of 0.8ha.
- 96 Lot 246 on SP219632, County of Solander, Parish of Alexandra, area of 0.1406ha.

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## **Schedule 3 Available State land that is claimable land**

### section 60

- 1 Land, including tidal land, in areas A and B in lot 4 on plan NPW531 situated in the County of Melville and being part of Cape Melville National Park.
- 2 Land contained in lot 203 on plan NPW535 situated in the County of Banks, containing an area of about 417ha and known as Mount Webb National Park.
- 3 Land contained in lot 215 on plan NPW46 situated in the County of Banks, containing an area of about 7960ha and known as Starcke National Park.
- 4 Land contained in lot 17 on plan NPW627 situated in the counties of Gregory, Mueller and Morstone, containing an area of about 282000ha and known as Lawn Hill National Park.
- 5 Land contained in lot 423 on plan NPW616 situated in the County of Shelburne, containing an area of about 115ha and known as Forbes Islands National Park.
- 6 Land contained in lot 46 on plan NPW712, other than the part within lot A on AP3164, situated in the County of Weymouth, containing an area of about 47090ha and known as Iron Range National Park.
- 7 Land contained in lot 10 on plan NPW626 situated in the counties of Banks, Hann, Mosman and Warner, containing an area of about 542856ha and known as Lakefield National Park.
- 8 Land in lot 2 on AP12349 and lot 5 on SP156403 situated in the County of Melville, containing an area of about 34409ha and being part of Cape Melville National Park.
- 9 Land contained in lot 413 on plan NPW606 situated in the County of Melville, containing an area of about 3180ha and known as Flinders Group National Park.

*Editor's note—*

Copies of the plans mentioned in items 1 to 7 and 9 are available for inspection at the Environmental Protection Agency, 160 Ann Street, Brisbane. Copies of other plans are available for inspection at the Department of Natural Resources and Water, Landcentre, corner of Main and Vulture Streets, Woollongabba.

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**Schedule 4      Transferred land that is not  
claimable land****section 61**

- 1 Lot 360 on CP855881, County of Nares, Parish of Formartine, area of 3.7ha.
- 2 Lot 2 on CP895233, County of Elphinstone, Parish of Coonambelah, area of 2.068ha.
- 3 Lot 237 on CP895233, County of Elphinstone, Parish of Coonambelah, area of 18.18ha.
- 4 Lot 57 on CP898014, County of Davenport, Parish of Charters Towers, area of 5.669ha.
- 5 Lot 1 on CP904786, County of Beaconsfield, Parish of Cloncurry, area of 0.2025ha.
- 6 Lot 2 on CP907652, County of Coen, Parish of Lankelly, area of 7.19ha.
- 7 Lot 48 on CP910509, County of Nares, Parish of Dulanban, area of 7.417ha.
- 8 Lot 64 on plan DV234, County of Davenport, Parish of Charters Towers, area of 6.070ha.
- 9 Lot 7 on plan BS295, County of Banks, Parish of Macquarie, area of about 1090ha (excluding road).
- 10 Lot 3 on plan BS169, County of Banks, parishes of Macquarie and Ninda, area of about 40800ha.
- 11 Lots 1–4 on plan K4144, County of Nares, Parish of Formartine, area of 0.6315ha.
- 12 Lot 279 on plan NR7210, County of Nares, Parish of Formartine, area of 3.684ha.
- 13 Lot 15 on plan RB20, County of Rosebery, Parish of Muddawarry, area of 2.428ha.

Schedule 4

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- 14 Lot 13 on plan SD21, County of Sidmouth, Parish of Moojeeba, area of about 2160ha.
- 15 Lot 5 on CP865766, County of Wellesley, Parish of Highclere, area of about 602ha.
- 16 Lot 16 on CP865766, County of Wellesley, Parish of Highclere, area of about 427ha.
- 17 Lot 6 on CP865767, County of Wellesley, Parish of Highclere, area of 102.7ha.
- 18 Lot 7 on CP865768, County of Wellesley, Parish of Highclere, area of 13883ha.
- 19 Lot 8 on CP865769, County of Wellesley, Parish of Highclere, area of 112.8ha.
- 20 Lot 10 on CP865820, County of Wellesley, Parish of Forsyth, area of 8ha.
- 21 Lot 11 on CP865820, County of Wellesley, Parish of Forsyth, area of 156ha.
- 22 Lot 12 on CP865821, County of Wellesley, Parish of Highclere, area of 25ha.
- 23 Lot 13 on CP865821, County of Wellesley, Parish of Highclere, area of 17ha.
- 24 Lot 14 on CP865821, County of Wellesley, Parish of Highclere, area of 13ha.
- 25 Lot 3 on CP895985, County of Surrey, Parish of Croydon, area of 7.974ha.
- 26 Lot 285 on CP855881, County of Nares, Parish of Formartine, area of 1.663ha.
- 27 Lot 20 on CP881494, County of Kimberley, Parish of Duinga, area of 2.012ha.
- 28 Lot 7 on CP894132, County of Wonomo, Parish of Camooweal, area of 6.3ha.
- 29 Lot 27 on CP901185, County of Douglas, Parish of Wongalee, area of 1.889ha.

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- 30 Lots 17 and 18 on plan M4926, County of Cardwell, Parish of Mullaburra, area of 5.488ha.
  - 31 Lot 14 on plan C179114, County of Banks, Parish of Cook, area of 10.25ha.
  - 32 Lot 557 on CP903202, County of Nares, Parish of Tinaroo, area of 6.77ha.
  - 33 Lot 11 on CP907651, County of Coen, Parish of Lankelly, area of 4.579ha.
  - 34 Lot 1 on plan RB21, County of Rosebery, Parish of Muddawarry, area of 2.023ha.
  - 35 Lot 2 on CP903624, County of Bolwarra, Parish of Gavin, area of 1.84ha.
  - 36 Lot 1 on CP903937, County of Wills, Parish of Boulia, area of 0.3036ha.
  - 37 Lots 2, 4, 6 and 8 on plan K4137, County of Nares, Parish of Formartine, area of 0.8090ha.
  - 38 Lot 1 on SP109478, County of Torres, Parish of Port Kennedy, area of 5.297ha.
  - 39 Lots 14 and 15 on SP121904, counties of Sidmouth and Weymouth, parishes of Ebagoola, Falloch, Kesteven, Kinnaird, Kintore, Kitchener, Lilford, Lingen, Moojeeba, Sidmouth and Trollope, area of about 193000ha.
  - 40 Lot 16 on SP104551, County of Weymouth, parishes of Arran, Atholl, Canoe, Chilcott, Cremorne, Lockhart, Lloyd, Luttrell, Pascoe, Sherrard and Westbury, area of about 349000ha.
  - 41 Lot 19 on SP104551, County of Weymouth, Parish of Lloyd, area of 103.1ha.
  - 42 Lot 20 on SP104551, County of Weymouth, Parish of Lloyd, area of 87.66ha.
  - 43 Lot 3 on plan WMT42, County of Weymouth, Parish of Sherrard, area of about 6ha.
  - 44 Lot 4 on plan WMT42, County of Weymouth, Parish of Sherrard, area of about 0.75ha.

Schedule 4

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- 45 Lot 5 on plan WMT42, County of Weymouth, Parish of Sherrard, area of about 2.5ha.
- 46 Lot 6 on plan WMT42, County of Weymouth, Parish of Sherrard, area of about 2.5ha.
- 47 Lot 7 on plan WMT42, County of Weymouth, Parish of Sherrard, area of about 2ha.
- 48 Lot 55 on plan WMT42, County of Weymouth, Parish of Lloyd, area of about 5ha.
- 49 Lot 56 on plan WMT42, County of Weymouth, Parish of Lloyd, area of about 3.8ha.
- 50 Lot 57 on plan WMT42, County of Weymouth, Parish of Lloyd, area of about 2.4ha.
- 51 Lot 59 on plan WMT42, County of Weymouth, Parish of Lloyd, area of about 0.5ha.
- 52 Lot 5 on plan WMT23, County of Weymouth, Parish of Lloyd, area of about 46.5ha.
- 53 Lot 320 on SP104316, County of Fitzroy, Parish of Booie, area of 3.993ha.
- 54 Lot 321 on SP104316, County of Fitzroy, Parish of Booie, area of 0.2104ha.
- 55 Lot 35 on CP903937, County of Wills, Parish of Boulia, area of 2.052ha.
- 56 Lot 15 on plan MZ1159, County of Mackenzie, Parish of Gayndah, area of 0.3237ha.
- 57 Lot 249 on CP900987, County of Cardwell, Parish of Ravenshoe, area of 13.36ha.

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## Schedule 5      **Aboriginal Reserve land**

### section 62

- 1 R1192 (Reserve for departmental purposes), being lot 308 on plan NR4410, County of Nares, Parish of Malanda, area of about 1.012ha.
- 2 R1651 (Reserve for building), being lot 360 on plan NR7366, County of Nares, Parish of Formartine, Town of Kowrowa, area of about 3.35ha.
- 3 R1704 (Reserve for departmental and official purposes), being lot 2 on plan K4137, County of Nares, Parish of Formartine, area of 0.2023ha.
- 4 R1705 (Reserve for departmental and official purposes), being lot 4 on plan K4137, County of Nares, Parish of Formartine, area of 0.2023ha.
- 5 R1706 (Reserve for departmental and official purposes), being lot 6 on plan K4137, County of Nares, Parish of Formartine, area of 0.2023ha.
- 6 R1707 (Reserve for departmental and official purposes), being lot 8 on plan K4137, County of Nares, Parish of Formartine, area of 0.2021ha.
- 7 R1708 (Reserve for departmental and official purposes), being lot 1 on plan K4144, County of Nares, Parish of Formartine, Town of Kowrowa, area of 0.2008ha.
- 8 R1709 (Reserve for departmental and official purposes), being lot 4 on plan K4144, County of Nares, Parish of Formartine, Town of Kowrowa, area of 0.1459ha.
- 9 R1718 (Reserve for departmental and official purposes), being lot 2 on plan K4144, County of Nares, Parish of Formartine, Town of Kowrowa, area of 0.1401ha.
- 10 R1721 (Reserve for departmental and official purposes), being lot 3 on plan K4144, County of Nares, Parish of Formartine, Town of Kowrowa, area of 0.1447ha.

Schedule 5

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- 11 R1891 (Reserve for departmental and official purposes), being lot 279 on plan NR7210, County of Nares, Parish of Formartine, area of 3.684ha.
- 12 R2048 (Reserve for scenic (bora ground) purposes), being lot 193 on plan SL4360, County of Stanley, Parish of Samford, area of 1.985ha.

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## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	61
3 Key . . . . .	62
4 Table of reprints . . . . .	62
5 Tables in earlier reprints . . . . .	64
6 List of legislation . . . . .	64
7 List of annotations . . . . .	68

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 August 2011. Future amendments of the Aboriginal Land Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	21 December 1991	1 June 1992
2	1994 SL No. 82	11 March 1994	24 February 1995
2A	1996 SL No. 254	27 September 1996	27 September 1996
2B	1996 SL No. 381	13 December 1996	10 April 1997
3	1997 SL No. 438	12 December 1997	20 January 1998
3A	1998 SL No. 243	1 September 1998	1 September 1998
3B	1998 SL No. 331	11 December 1998	18 December 1998
4	1999 SL No. 27	19 March 1999	7 May 1999
4A	1999 SL No. 209	10 September 1999	22 September 1999
4B	2000 SL No. 290	17 November 2000	20 November 2000
4C	2000 SL No. 355	15 December 2000	20 December 2000
4D	2001 SL No. 61	1 June 2001	8 June 2001
4E	2001 SL No. 190	12 October 2001	26 October 2001
5	2001 SL No. 190	12 October 2001	15 April 2002

Reprint No.	Amendments to	Effective	Reprint date
5A	2002 SL No. 101	10 May 2002	15 May 2002
Reprint No.	Amendments included	Effective	Notes
5B	2002 SL No. 239	13 September 2002	
5C	2002 SL No. 331	6 December 2002	
5D	2002 SL No. 357	13 December 2002	
5E	2003 SL No. 54	1 April 2003	R5E withdrawn, see R6
6	—	1 April 2003	
6A	2003 SL No. 218	12 September 2003	
6B	2003 SL No. 224	19 September 2003	
6C	2003 SL No. 270	7 November 2003	
6D	2005 SL No. 85	13 May 2005	
6E	2005 SL No. 119	17 June 2005	
6F	2005 SL No. 149	1 July 2005	
6G	2005 SL No. 240	30 September 2005	
6H	2005 SL No. 273	18 November 2005	R6H withdrawn, see R7
7	—	18 November 2005	
7A	2006 Act No. 9	15 March 2006	
7B	2006 SL No. 111	2 June 2006	
7C	2006 SL No. 191	28 July 2006	
7D	2006 SL No. 217	18 August 2006	
7E	2006 SL No. 264	27 October 2006	
7F	2006 SL No. 300	8 December 2006	R7F withdrawn, see R8
8	—	8 December 2006	
8A	2007 SL No. 243	28 September 2007	
8B	2008 SL No. 19	8 February 2008	
8C	2008 SL No. 129	16 May 2008	
8D	2008 SL No. 223	11 July 2008	
8E	2008 SL No. 234	18 July 2008	R8E withdrawn, see R9
9	—	18 July 2008	
9A	2008 SL No. 368	7 November 2008	
9B	2009 SL No. 10	6 February 2009	
9C	2010 SL No. 57	9 April 2010	
9D	2010 SL No. 67	23 April 2010	
9E	2010 SL No. 139	25 June 2010	
9F	2010 SL No. 371	10 December 2010	
9G	2011 SL No. 33	1 April 2011	
9H	2011 SL No. 51	6 May 2011	
9I	2011 SL No. 82	10 June 2011	
9J	2011 SL No. 142	29 July 2011	
9K	2011 SL No. 158	19 August 2011	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2, 3

## 6 List of legislation

### **Aboriginal Land Regulation 1991 SL No. 218**

made by the Governor in Council on 19 December 1991

pubd gaz 21 December 1991 pp 2308–36

commenced on date of publication

exp 31 August 2011 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Aboriginal Land Amendment Regulation (No. 1) 1994 SL No. 82**

notfd gaz 11 March 1994 pp 986–8

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 1) 1995 SL No. 167**

notfd gaz 9 June 1995 pp 1165–71

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 2) 1995 SL No. 310**

notfd gaz 10 November 1995 pp 1045–6

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 3) 1995 SL No. 386**

notfd gaz 15 December 1995 pp 1560–5

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 1) 1996 SL No. 254**

notfd gaz 27 September 1996 pp 347–9

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 2) 1996 SL No. 381**

notfd gaz 13 December 1996 pp 1470–2

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 1) 1997 SL No. 283**

notfd gaz 29 August 1997 pp 1987–9

commenced on date of notification

### **Aboriginal Land Amendment Regulation (No. 2) 1997 SL No. 438**

notfd gaz 12 December 1997 pp 1631–4

commenced on date of notification

**Natural Resources Legislation Amendment Regulation (No. 2) 1998 SL No. 243 pts 1–2**

notfd gaz 28 August 1998 pp 2036–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 1998 (see s 2)

**Aboriginal Land Amendment Regulation (No. 1) 1998 SL No. 331**

notfd gaz 11 December 1998 pp 1376–7  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 1999 SL No. 27**

notfd gaz 19 March 1999 pp 1173–4  
commenced on date of notification

**Aboriginal and Torres Strait Islander Land Legislation Amendment Regulation (No. 1) 1999 SL No. 209 pts 1–2**

notfd gaz 10 September 1999 pp 180–3  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2000 SL No. 290**

notfd gaz 17 November 2000 pp 1093–5  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2000 SL No. 355**

notfd gaz 15 December 2000 pp 1478–83  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2001 SL No. 61**

notfd gaz 1 June 2001 pp 416–17  
commenced on date of notification

**Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2001 SL No. 190 pts 1–2**

notfd gaz 12 October 2001 pp 492–3  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2002 SL No. 101**

notfd gaz 10 May 2002 pp 157–8  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2002 SL No. 239**

notfd gaz 13 September 2002 pp 131–2  
commenced on date of notification

**Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2002 SL No. 331 pts 1–2**

notfd gaz 6 December 2002 pp 1162–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2002 SL No. 357**

notfd gaz 13 December 2002 pp 1266–9  
commenced on date of notification

**Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54**  
ss 1–3 sch

notfd gaz 28 March 2003 pp 1125–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 April 2003 (see s 2)

**Aboriginal Land Amendment Regulation (No. 1) 2003 SL No. 218**

notfd gaz 12 September 2003 pp 128–31  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2003 SL No. 224**

notfd gaz 19 September 2003 pp 219–21  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2003 SL No. 270**

notfd gaz 7 November 2003 pp 757–60  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2005 SL No. 85**

notfd gaz 13 May 2005 pp 149–50  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2005 SL No. 119**

notfd gaz 17 June 2005 pp 569–71  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2005 SL No. 149**

notfd gaz 1 July 2005 pp 763–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 4) 2005 SL No. 240**

notfd gaz 30 September 2005 pp 425–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 5) 2005 SL No. 273**

notfd gaz 18 November 2005 pp 1052–3  
commenced on date of notification

**Audit Legislation Amendment Act 2006 No. 9 pt 1, s 53 sch**

date of assent 15 March 2006  
commenced on date of assent

**Aboriginal Land Amendment Regulation (No. 1) 2006 SL No. 111**

notfd gaz 2 June 2006 pp 572–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2006 SL No. 191**

notfd gaz 28 July 2006 pp 1480–2  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2006 SL No. 217**

notfd gaz 18 August 2006 pp 1821–5  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 4) 2006 SL No. 264**

notfd gaz 27 October 2006 pp 938–9  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 5) 2006 SL No. 300**

notfd gaz 8 December 2006 pp 1739–40  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2007 SL No. 243**

notfd gaz 28 September 2007 pp 595–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2008 SL No. 19**

notfd gaz 8 February 2008 pp 588–9  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2008 SL No. 129**

notfd gaz 16 May 2008 pp 407–8  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2008 SL No. 223**

notfd gaz 11 July 2008 pp 1583–4  
commenced on date of notification

**Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2008 SL No. 234 pts 1–2**

notfd gaz 18 July 2008 pp 1710–12  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 4) 2008 SL No. 368**

notfd gaz 7 November 2008 pp 1319–21  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2009 SL No. 10**

notfd gaz 6 February 2009 pp 579–80  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2010 SL No. 57**

notfd gaz 9 April 2010 pp 867–8  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 2) 2010 SL No. 67**

notfd gaz 23 April 2010 pp 1008–11  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 3) 2010 SL No. 139**

notfd gaz 25 June 2010 pp 823–30  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 4) 2010 SL No. 371**

notfd gaz 10 December 2010 pp 1082–6  
commenced on date of notification

**Aboriginal Land Amendment Regulation (No. 1) 2011 SL No. 33**

notfd gaz 1 April 2011 pp 553–4

commenced on date of notification

Note—An explanatory note was prepared.

**Aboriginal Land Amendment Regulation (No. 2) 2011 SL No. 51**

notfd gaz 6 May 2011 pp 39–40

commenced on date of notification

Note—An explanatory note was prepared.

**Aboriginal Land Amendment Regulation (No. 3) 2011 SL No. 82**

notfd gaz 10 June 2011 pp 380–1

commenced on date of notification

Note—An explanatory note was prepared.

**Aboriginal Land Amendment Regulation (No. 4) 2011 SL No. 142**

notfd gaz 29 July 2011 pp 788–9

commenced on date of notification

Note—An explanatory note was prepared.

**Aboriginal Land Amendment Regulation (No. 5) 2011 SL No. 158**

notfd gaz 19 August 2011 pp 939–40

commenced on date of notification

Note—An explanatory note was prepared.

## 7 List of annotations

### Definitions

**prov hdg** sub 1998 SL No. 243 s 4(1)

**s 2** def “**adopted rules**” ins 2008 SL No. 234 s 3(2)

def “**approved form**” ins 1998 SL No. 243 s 4(3)

om 2008 SL No. 234 s 3(1)

def “**executive committee**” ins 1998 SL No. 243 s 4(3)

def “**general meeting**” ins 1998 SL No. 243 s 4(3)

om 2008 SL No. 234 s 3(1)

def “**grantee**” amd 2008 SL No. 234 s 3(3)

def “**land trust**” om 2008 SL No. 234 s 3(1)

def “**land trust register**” ins 2008 SL No. 234 s 3(2)

def “**meeting**” ins 2008 SL No. 234 s 3(2)

def “**rules**” sub 1998 SL No. 243 s 4(2)–(3)

### Membership of association on incorporation

**s 11** amd 2003 SL No. 54 s 3 sch

### Involuntary winding-up of association by Supreme Court

**s 18** amd 1995 SL No. 386 s 3

### Incorporation of grantees as land trust

**s 19** amd 1998 SL No. 243 s 5

**Function of land trust**

s 21 amd 2008 SL No. 234 s 4

**Adoption of rules**

s 21A ins 1998 SL No. 243 s 6  
om 2008 SL No. 234 s 5

**Content of rules**

s 21B ins 1998 SL No. 243 s 6  
om 2008 SL No. 234 s 5

**Division 1A—Rules of land trusts**

div hdg ins 2008 SL No. 234 s 6

**Subdivision 1—Adoption of rules**

sdiv 1 (ss 24A–24B) ins 2008 SL No. 234 s 6

**Subdivision 2—Rules about proxies**

sdiv 2 (ss 24C–24G) ins 2008 SL No. 234 s 6

**Subdivision 3—Rule about resolutions of executive committee without meetings**

sdiv 3 (ss 24H–24I) ins 2008 SL No. 234 s 6

**Division 4—Accounts, annual financial statements and audit requirements**

div hdg ins 1998 SL No. 243 s 7

**Accounts**

s 35A ins 1998 SL No. 243 s 7

**Annual financial statement**

s 35B ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 7

**Audit requirements**

s 35C ins 1998 SL No. 243 s 7  
amd 2006 Act No. 9 s 53 sch; 2008 SL No. 234 s 8

**Division 5—General meetings**

div hdg ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 9

**Holding general meetings**

s 35D ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 9

**Chief executive may call general meeting**

s 35DA ins 2008 SL No. 234 s 9

**Material to be given to chief executive**

s 35E ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 9

**Land trust to keep minutes of meetings**

s 35EA ins 2008 SL No. 234 s 9

**Division 6—Land Trust register**

**div hdg** ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 9

**Keeping land trust register**

**s 35F** ins 1998 SL No. 243 s 7  
sub 2008 SL No. 234 s 9

**Obtaining information in land trust register**

**s 35G** ins 2008 SL No. 234 s 9

**PART 5—CODE OF CONDUCT ABOUT MINING LEASES**

**pt hdg** sub 2008 SL No. 234 s 10

**Determining agreement of Aboriginal people**

**s 44** om 2008 SL No. 234 s 11

**Decision making by grantees**

**s 45** om 2008 SL No. 234 s 11

**Code of conduct about mining leases**

**prov hdg** amd 2008 SL No. 234 s 12(1)

**s 46** amd 2008 SL No. 234 s 12(2)

**Declarations by grantees regarding dealings**

**s 47** om 2008 SL No. 234 s 13

**Prescribed percentage—Act, s 88**

**s 55** sub 2008 SL No. 234 s 14

**Guidelines for application by chief executive of royalty amount**

**s 56** om 2008 SL No. 234 s 14

**PART 8—DECLARATIONS**

**pt hdg** ins 1994 SL No. 82 s 3  
sub 1995 SL No. 167 s 3; 1995 SL No. 386 s 4

**Declaration about tidal land (s 21 of the Act)**

**s 57** ins 1994 SL No. 82 s 3  
om 1995 SL No. 167 s 3

**Tidal land that is available State land—Act, s 21**

**prov hdg** amd 2008 SL No. 234 s 15  
**s 58** ins 1995 SL No. 167 s 3  
amd 1998 SL No. 331 s 3; 2008 SL No. 234 s 15

**Available State land that is transferable land—Act, s 12**

**prov hdg** amd 2008 SL No. 234 s 16  
**s 59** ins 1995 SL No. 167 s 3  
amd 1998 SL No. 331 s 4; 2008 SL No. 234 s 16

**Available State land that is claimable land—Act, s 18**

**prov hdg** amd 2008 SL No. 234 s 17  
**s 60** ins 1995 SL No. 167 s 3  
amd 1998 SL No. 331 s 5; 2008 SL No. 234 s 17

**Transferred land that is not claimable land**

**s 61** ins 1995 SL No. 386 s 5  
amd 1998 SL No. 331 s 6

**Aboriginal reserve land—Act, s 14**

**s 62** ins 1996 SL No. 381 s 3  
amd 1998 SL No. 331 s 7

**PART 9—TRANSITIONAL PROVISIONS**

**pt hdg** ins 1998 SL No. 243 s 8  
sub 2006 Act No. 9 s 53 sch

**Division 1—Transitional provisions for Natural Resources Legislation Amendment Regulation (No. 2) 1998**

**div hdg** ins 2006 Act No. 9 s 53 sch

**First rules for land trust already in existence**

**s 63** ins 1998 SL No. 243 s 8

**First financial year for applying pt 3, divs 4 and 5**

**s 64** ins 1998 SL No. 243 s 8

**Division 2—Transitional provision for Audit Legislation Amendment Act 2006**

**div 2 (s 65)** ins 2006 Act No. 9 s 53 sch

**Division 3—Transitional provision for Aboriginal and Torres Strait Islander Land Amendment Regulation (No. 1) 2008**

**div 3 (s 66)** ins 2008 SL No. 234 s 18

**SCHEDULE 1—TIDAL LAND THAT IS AVAILABLE STATE LAND**

**sch hdg** amd 2008 SL No. 234 s 19

**sch 1** ins 1994 SL No. 82 s 4  
sub 1995 SL No. 167 s 4  
amd 2002 SL No. 357 s 3; 2008 SL No. 19 s 3; 2008 SL No. 129 s 3; 2011 SL No. 158 s 3

**SCHEDULE 2—AVAILABLE STATE LAND THAT IS TRANSFERABLE LAND**

**sch hdg** amd 2008 SL No. 234 s 19

**sch 2** ins 1995 SL No. 167 s 4  
amd 1996 SL No. 254 s 3; 1997 SL No. 283 s 3  
sub 1999 SL No. 27 s 3  
amd 2000 SL No. 290 s 3; 2001 SL No. 61 s 3; 2001 SL No. 190 s 3; 2002 SL No. 101 s 3; 2002 SL No. 331 s 3; 2002 SL No. 357 s 4; 2003 SL No. 218 s 3; 2003 SL No. 224 s 3; 2003 SL No. 270 s 3; 2005 SL No. 85 s 3; 2005 SL No. 119 s 3; 2005 SL No. 149 s 3; 2005 SL No. 240 s 3; 2005 SL No. 273 s 3; 2006 SL No. 111 s 3; 2006 SL No. 191 s 3; 2006 SL No. 217 s 3; 2006 SL No. 264 s 3; 2007 SL No. 243 s 3; 2008 SL No. 19 s 4; 2008 SL No. 129 s 4; 2008 SL No. 223 s 3; 2008 SL No. 368 s 3; 2009 SL No. 10 s 3; 2010 SL No. 57 s 3; 2010 SL No. 67 s 3; 2010 SL No. 139 s 3; 2010 SL No. 371 s 3; 2011 SL No. 33 s 3; 2011 SL No. 51 s 3; 2011 SL No. 82 s 3; 2011 SL No. 142 s 3; 2011 SL No. 158 s 4

Endnotes

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**SCHEDULE 3—AVAILABLE STATE LAND THAT IS CLAIMABLE LAND**

**sch hdg** amd 2008 SL No. 234 s 19

**sch 3** ins 1995 SL No. 167 s 4

amd 1995 SL No. 310 s 3; 2000 SL No. 290 s 3; 2002 SL No. 239 s 3; 2006  
SL No. 300 s 3

**SCHEDULE 4—TRANSFERRED LAND THAT IS NOT CLAIMABLE LAND**

ins 1995 SL No. 386 s 6

amd 1996 SL No. 254 s 4; 1997 SL No. 283 s 4; 1997 SL No. 438 s 3

sub 1998 SL No. 331 s 8

amd 1999 SL No. 209 s 3; 2000 SL No. 355 s 3; 2001 SL No. 61 s 4; 2002 SL  
No. 331 s 4; 2003 SL No. 218 s 4; 2005 SL No. 85 s 4; 2005 SL No. 240 s 4

**SCHEDULE 5—ABORIGINAL RESERVE LAND**

ins 1996 SL No. 381 s 4

sub 1998 SL No. 331 s 9

amd 2001 SL No. 61 s 5; 2005 SL No. 85 s 5

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