



# **Native Title (Queensland) Act 1993**

**Current as at 28 May 2014**





Queensland

# Native Title (Queensland) Act 1993

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
2	Commencement . . . . .	4
3	Objects of Act . . . . .	5
4	Definitions . . . . .	5
5	Words and expressions used in Commonwealth Native Title Act	6
6	Act binds all persons . . . . .	6
<b>Part 2</b>	<b>Validation and its effects</b>	
<b>Division 1</b>	<b>General</b>	
7	Object of part . . . . .	7
8	Validation of past acts attributable to State . . . . .	7
8A	Validation of intermediate period acts attributable to State . . . . .	8
9	Application of remaining provisions of part . . . . .	8
<b>Division 2</b>	<b>Effect of validation of past acts on native title</b>	
10	Category A past acts that are not public works . . . . .	8
11	Category A past acts that are public works . . . . .	8
12	Inconsistent category B past acts . . . . .	9
13	Category C and D past acts . . . . .	9
<b>Division 2A</b>	<b>Effect of validation of intermediate period acts on native title</b>	
13AA	Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters . . . . .	10
13AB	Category A intermediate period acts that are public works . . . . .	10
13AC	Category B intermediate period acts . . . . .	10
13AD	Category C and D intermediate period acts . . . . .	10
13AE	Sections 13AA to 13AD apply subject to registered indigenous land use agreements . . . . .	11
<b>Division 2B</b>	<b>Effect of extinguishment under division 2 or 2A</b>	

Contents

---

13A	Effect of extinguishment .....	11
<b>Division 3</b>	<b>Other effects of validation under division 2 or 2A</b>	
14	Preservation of beneficial reservations and conditions—past acts	11
14A	Preservation of beneficial reservations and conditions— intermediate period acts .....	12
15	Compensation .....	12
<b>Division 4</b>	<b>Validation of certain future acts</b>	
15A	Effect of registration on previous acts covered by indigenous land use agreements (NTA, s 24EBA(1) and (3)) .....	13
<b>Part 3</b>	<b>Confirmation of certain rights</b>	
16	Object of part .....	14
17	Confirmation of ownership of natural resources etc. ....	14
18	Confirmation of access to beaches etc. ....	15
18A	Effect of confirmation under part .....	15
<b>Part 4</b>	<b>Confirmation of total or partial extinguishment of native title by particular previous acts</b>	
<b>Division 1</b>	<b>Objects</b>	
19	Objects of pt 4 .....	15
<b>Division 2</b>	<b>Confirmation of extinguishment or partial extinguishment</b>	
20	Confirmation of extinguishment of native title by certain acts that are not public works .....	16
21	Confirmation of extinguishment of native title by certain acts that are public works .....	17
22	Other extinguishment provisions do not apply .....	17
23	Confirmation of partial extinguishment of native title by previous non- exclusive possession acts .....	17
<b>Division 3</b>	<b>Effect of confirmation of total or partial extinguishment of native title</b>	
24	Preservation of beneficial reservations and conditions .....	18
<b>Part 11</b>	<b>Miscellaneous</b>	
144	Compulsory acquisition of native title .....	19
145	Regulation-making power .....	21
146	Section headings—Commonwealth Native Title Act .....	21

# Native Title (Queensland) Act 1993

## An Act about native title

### Preamble

- (1) Before European settlement, land in what is now the State of Queensland had been occupied, used and enjoyed since time immemorial by Aboriginal people in accordance with Aboriginal tradition, and was occupied, used and enjoyed by Torres Strait Islanders in accordance with Island custom.
- (2) Land is of spiritual, social, historical, cultural and economic importance to Aboriginal people and Torres Strait Islanders.
- (3) After European settlement many Aboriginal people were dispossessed and dispersed.
- (4) However, some Aboriginal people and many Torres Strait Islanders have maintained their ancestors' traditional or customary affiliation with particular areas.
- (5) The High Court of Australia has—
  - rejected the doctrine that Australia was terra nullius (land belonging to no-one) at the time of European settlement; and
  - held that the common law of Australia recognises native title rights of Australia's indigenous inhabitants; and
  - held that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates.
- (6) The Commonwealth Government has proposed legislation to provide a national scheme for the recognition and protection of native title and for its coexistence with the existing land management systems.

- (7) It is the intention of the Parliament that Queensland should participate in the national scheme proposed by the Commonwealth Government.

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Native Title (Queensland) Act 1993*.

### 2 Commencement

- (1) This Act (including subsections (3) and (4) of this section) commences on a day to be fixed by proclamation.
- (2) Section 15C(1) of the *Acts Interpretation Act 1954* does not apply to subsections (3) and (4) of this section.
- (3) The following sections are taken to have commenced immediately after the commencement of section 1.03 of the *Aboriginal Land Act 1991*—
- section 157 (Amended Act)
  - section 158 (Amendment of s.1.03 (Definitions))
  - section 159 (Insertion of new s.1.04A (Meaning of *native title interests*))
  - section 160 (Amendment of s.2.13 (Lands that are available Crown land—general))
  - section 161 (Amendment of s.3.06 (Existing interests))
  - section 162 (Amendment of s.5.08 (Existing interests)).
- (4) The following sections are taken to have commenced immediately after the commencement of section 1.04 of the *Torres Strait Islander Land Act 1991*—
- section 165 (Amended Act)
  - section 166 (Amendment of s.1.04 (Definitions))

- 
- section 167 (Insertion of new s.1.05A (Meaning of *native title interests*))
  - section 168 (Amendment of s.2.10 (Lands that are available Crown land—general))
  - section 169 (Amendment of s.3.06 (Existing interests))
  - section 170 (Amendment of s.5.08 (Existing interests)).

### **3 Objects of Act**

- (1) The main objects of the Commonwealth Native Title Act are—
  - (a) to provide for the recognition and protection of native title; and
  - (b) to establish ways in which future dealings affecting native title may proceed and to set standards for the dealings; and
  - (c) to establish a mechanism for determining claims to native title; and
  - (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.
- (2) The main objects of this Act are—
  - (a) in accordance with the Commonwealth Native Title Act, to validate past acts, and intermediate period acts, invalidated because of the existence of native title and to confirm certain rights; and
  - (b) to ensure that Queensland law is consistent with standards set by the Commonwealth Native Title Act for future dealings affecting native title.

### **4 Definitions**

In this Act—

***Commonwealth Native Title Act*** means the *Native Title Act 1993* (Cwlth).

***NTA***, in a section heading, means the Commonwealth Native Title Act.

***State mining Act*** means any of the following Acts—

- *Mineral Resources Act 1989*
- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety) Act 2004*
- an Act prescribed by regulation.

## **5 Words and expressions used in Commonwealth Native Title Act**

- (1) Words and expressions used in the Commonwealth Native Title Act and this Act have the same meanings in this Act as they have in the Commonwealth Native Title Act.

*Editor's note—*

Section 222 of the Commonwealth Native Title Act sets out a list of definitions used in that Act.

- (2) Subsection (1) applies except so far as the context or subject matter otherwise indicates or requires.
- (3) However, subsection (1) does not apply to a word or expression defined in section 4 (Definitions).

## **6 Act binds all persons**

This Act binds all persons, including the State.

---

## Part 2 Validation and its effects

### Division 1 General

#### 7 Object of part

- (1) The object of this part is to—
- (a) validate, under section 19 of the Commonwealth Native Title Act, past acts attributable to the State; and

*Editor's note—*

An **act** is defined in the Commonwealth Native Title Act, section 226.

A **past act** is defined in the Commonwealth Native Title Act, section 228.

An act **attributable** to the State is defined in the Commonwealth Native Title Act, section 239.

- (b) validate, under section 22F of the Commonwealth Native Title Act, intermediate period acts attributable to the State; and

*Editor's note—*

For what is an **intermediate period act**, see the Commonwealth Native Title Act, section 232A. There are 4 categories of intermediate period acts, called category A, B, C and D intermediate period acts. They are defined in sections 232B to 232E and deal with a number of things, including leasehold and freehold interests in land, other interests in land and waters, and public works.

- (c) provide for the effects of the validation.

- (2) The object of this part is also to validate, under section 24EBA(3) of the Commonwealth Native Title Act, certain future acts.

#### 8 Validation of past acts attributable to State

Every past act attributable to the State is valid, and is taken always to have been valid.

## **8A Validation of intermediate period acts attributable to State**

Every intermediate period act attributable to the State is valid, and is taken always to have been valid.

## **9 Application of remaining provisions of part**

The remaining provisions of this part, other than division 4, apply—

- (a) to a past act attributable to the State that is validated by section 8; and
- (b) to an intermediate period act attributable to the State that is validated by section 8A.

## **Division 2 Effect of validation of past acts on native title**

### **10 Category A past acts that are not public works**

- (1) This section applies if the past act is a category A past act, but is not a category A past act to which section 229(4) (which deals with public works) of the Commonwealth Native Title Act applies.

*Editor's note—*

**Category A past act** is defined in the Commonwealth Native Title Act, section 229. This category covers freehold grants, some leasehold grants (commercial, agricultural, pastoral and residential leases) and public works. **Lease** and the various types of leases are defined in the Commonwealth Native Title Act, sections 242 to 249B. **Public work** is defined in the Commonwealth Native Title Act, section 253.

- (2) The past act extinguishes native title.

### **11 Category A past acts that are public works**

- (1) This section applies if the past act is a category A past act to which section 229(4) of the Commonwealth Native Title Act applies.

- (2) The past act extinguishes native title in relation to the land or waters on which the public work concerned (on completion of its construction or establishment) was or is situated.
- (3) If section 229(4)(a) (which deals with public works completed after 1 January 1994) of the Commonwealth Native Title Act applies to the past act, the extinguishment is taken to have happened on 1 January 1994.

## 12 Inconsistent category B past acts

- (1) This section applies if the past act is a category B past act that is wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests concerned.

*Editor's note—*

**Category B past act** is defined in the Commonwealth Native Title Act, section 230. This category covers leasehold grants (other than leases that are category A past acts and mining leases).

- (2) The past act extinguishes the native title to the extent of the inconsistency.

## 13 Category C and D past acts

- (1) This section applies if the past act is a category C or D past act.

*Editor's note—*

**Category C past act** is defined in the Commonwealth Native Title Act, section 231. This category deals with the grant of mining leases. **Mining lease** is defined in the Commonwealth Native Title Act, section 245 and **mine** in the Commonwealth Native Title Act, section 253.

**Category D past act** is defined in the Commonwealth Native Title Act, section 232. It is the residual category of past acts.

- (2) The non-extinguishment principle applies to the past act.

*Editor's note—*

The effect of the **non-extinguishment principle** is set out in the Commonwealth Native Title Act, section 238.

## **Division 2A                    Effect of validation of intermediate period acts on native title**

### **13AA Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters**

- (1) This section applies to a category A intermediate period act within the meaning of section 232B(2), (3) or (4) of the Commonwealth Native Title Act.
- (2) The intermediate period act extinguishes all native title in relation to the land or waters concerned.

### **13AB Category A intermediate period acts that are public works**

- (1) This section applies to a category A intermediate period act within the meaning of section 232B(7) of the Commonwealth Native Title Act.
- (2) The intermediate period act extinguishes the native title in relation to the land or waters on which, on completion of its construction or establishment, the public work concerned was or is situated.
- (3) The extinguishment is taken to have happened when the construction or establishment started.

### **13AC Category B intermediate period acts**

- (1) This section applies to a category B intermediate period act that is wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests concerned.
- (2) The intermediate period act extinguishes the native title to the extent of the inconsistency.

### **13AD Category C and D intermediate period acts**

- (1) This section applies if an intermediate period act is a category C or D intermediate period act.

- (2) The non-extinguishment principle applies to the intermediate period act.

*Editor's note—*

For category C intermediate period acts, the State must also comply with the Commonwealth Native Title Act, section 22H (Requirement to notify: mining rights).

### **13AE Sections 13AA to 13AD apply subject to registered indigenous land use agreements**

Sections 13AA to 13AD apply subject to section 24EBA(6) of the Commonwealth Native Title Act.

## **Division 2B Effect of extinguishment under division 2 or 2A**

### **13A Effect of extinguishment**

An extinguishment under division 2 or 2A does not by itself confer a right to eject or remove any Aboriginal persons who may reside on or who exercise access over land or waters covered by a pastoral lease the grant, re-grant or extension of which is validated by division 2 or 2A.

## **Division 3 Other effects of validation under division 2 or 2A**

### **14 Preservation of beneficial reservations and conditions—past acts**

- (1) This section applies if—
- (a) the past act contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders;  
or
  - (b) the doing of the past act would affect rights or interests (other than native title rights and interests) of Aboriginal

peoples or Torres Strait Islanders (whether arising under legislation, at common law or in equity and whether or not rights of usage).

- (2) Division 2 (Effect of validation of past acts on native title) does not affect a reservation or condition mentioned in subsection (1)(a) or rights or interests mentioned in subsection (1)(b).

#### **14A Preservation of beneficial reservations and conditions—intermediate period acts**

- (1) This section applies if—
- (a) an intermediate period act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
  - (b) the doing of an intermediate period act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity, and whether or not rights of usage.
- (2) Division 2A does not affect a reservation or condition mentioned in subsection (1)(a) or rights or interests mentioned in subsection (1)(b).

#### **15 Compensation**

- (1) Under the Commonwealth Native Title Act, native title holders are, subject to that Act, entitled to compensation because of the validation by this Act of past acts and intermediate period acts attributable to the State.
- (2) The compensation is payable by the State.

---

## Division 4                      Validation of certain future acts

### 15A    **Effect of registration on previous acts covered by indigenous land use agreements (NTA, s 24EBA(1) and (3))**

- (1) This section applies if—
  - (a) details are on the Register of Indigenous Land Use Agreements of an agreement that includes a statement to the effect that the parties agree to—
    - (i) the validating of a particular future act (other than an intermediate period act), or future acts (other than intermediate period acts) included in classes, that have already been done invalidly; or
    - (ii) the validating, subject to conditions, of a particular future act (other than an intermediate period act), or of future acts (other than intermediate period acts) included in classes, that have already been done invalidly; and
  - (b) the future act or class of acts is attributable to the State; and
  - (c) the State is a party to the agreement; and
  - (d) if, under the agreement or otherwise, a person other than the Crown in right of the Commonwealth, a State or a Territory is or may become liable to pay compensation in relation to the act or class of acts—that person is a party to the agreement.
- (2) If this section applies in relation to a future act, the act is valid, and is taken always to have been valid.
- (3) If this section applies in relation to a class of future acts, all acts included in the class are valid, and are taken always to have been valid.

## Part 3 Confirmation of certain rights

### 16 Object of part

The object of this part is to confirm, in accordance with section 212 (Confirmation of ownership of natural resources, access to beaches etc.) of the Commonwealth Native Title Act—

- (a) the ownership of natural resources and certain water and fishing access rights; and
- (b) public access to and enjoyment of beaches and certain other places.

### 17 Confirmation of ownership of natural resources etc.

- (1) The existing ownership of all natural resources owned by the State is confirmed.
- (2) All existing rights of the State to use, control and regulate the flow of water are confirmed.
- (3) All existing fishing access rights under State law are confirmed to prevail over other public or private fishing rights.

*Examples for subsection (1)—*

*Example 1—Minerals and petroleum*

With the exception of minerals on certain freehold titles granted between 1860 and 1910, the State owns all minerals (e.g. bauxite, coal and gold) and petroleum in Queensland—see s 8 *Mineral Resources Act 1989* and earlier provisions and s 9 *Petroleum Act 1923* and s 26 *Petroleum and Gas (Production and Safety) Act 2004*. This ownership is confirmed by subsection (1).

*Example 2—Quarry material*

The State owns quarry material on certain lands in Queensland, including all Crown lands—see s 45 *Forestry Act 1959*. This ownership is confirmed by subsection (1).

*Example 3—Fauna*

With limited exceptions, the State owns all indigenous fauna in Queensland—see s 7 *Fauna Conservation Act 1974*. This ownership is confirmed by subsection (1).

**18 Confirmation of access to beaches etc.**

Existing public access to and enjoyment of the following places is confirmed—

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;
- (d) beaches;
- (da) stock routes;
- (e) areas that were public places at the end of 31 December 1993.

**18A Effect of confirmation under part**

Under section 212(3) (Confirmation of ownership of natural resources, access to beaches etc.) of the Commonwealth Native Title Act, a confirmation under this part does not extinguish any native title rights and interests and does not affect any conferral of land or waters, or an interest in land or waters, under a law that confers benefits only on Aboriginal peoples or Torres Strait Islanders.

**Part 4 Confirmation of total or partial extinguishment of native title by particular previous acts****Division 1 Objects****19 Objects of pt 4**

The objects of this part are—

- (a) to confirm the total extinguishment of native title by previous exclusive possession acts attributable to the State; and

*Editor's note—*

For the authorising provision, see the Commonwealth Native Title Act, section 23E (Confirmation of extinguishment of native title by previous exclusive possession acts of State or Territory). For what is a *previous exclusive possession act*, see the Commonwealth Native Title Act, section 23B.

- (b) to confirm the partial extinguishment of native title by previous non-exclusive possession acts attributable to the State.

*Editor's note—*

For the authorising provision of the Commonwealth Native Title Act, see the Commonwealth Native Title Act, section 23I (Confirmation of partial extinguishment of native title by previous non-exclusive possession acts of State or Territory). For what is a *previous non-exclusive possession act*, see the Commonwealth Native Title Act, section 23F.

## **Division 2                      Confirmation of extinguishment or partial extinguishment**

### **20                      Confirmation of extinguishment of native title by certain acts that are not public works**

- (1) This section applies to an act that is a previous exclusive possession act under section 23B(2) (including because of section 23B(3)) of the Commonwealth Native Title Act.
- (2) The act extinguishes native title in relation to the land or waters covered by the freehold estate, Scheduled interest or lease concerned.

*Editor's note—*

*Scheduled interest* is defined in section 249C of the Commonwealth Native Title Act.

- (3) The extinguishment is taken to have happened when the act was done.

**21 Confirmation of extinguishment of native title by certain acts that are public works**

- (1) This section applies to an act that is a previous exclusive possession act under section 23B(7) of the Commonwealth Native Title Act.
- (2) The act extinguishes native title in relation to the land or waters on which, on completion of its construction or establishment, the public work concerned was or is situated.
- (3) The extinguishment is taken to have happened when the construction or establishment of the public work started.

**22 Other extinguishment provisions do not apply**

If section 20 or 21 applies to an act, sections 10 to 13AE do not apply to the act.

**23 Confirmation of partial extinguishment of native title by previous non-exclusive possession acts**

- (1) Subject to subsection (2), if a previous non-exclusive possession act is attributable to the State—
  - (a) to the extent that the act involves the grant of rights and interests that are not inconsistent with native title rights and interests in relation to the land or waters covered by the lease concerned, the rights and interests granted, and the doing of any activity in giving effect to them, prevail over the native title rights and interests but do not extinguish them; and
  - (b) to the extent that the act involves the grant of rights and interests that are inconsistent with native title rights and interests in relation to the land or waters covered by the lease concerned—
    - (i) if, apart from this Act, the act extinguishes the native title rights and interests—the native title rights and interests are extinguished; and

- (ii) in any other case—the native title rights and interests are suspended while the lease concerned, or the lease as renewed, remade, regranted, or extended, is in force; and
  - (c) any extinguishment under this subsection is taken to have happened when the act was done.
- (2) This section does not apply if the act is the grant of a pastoral lease or an agricultural lease to which section 10 applies.
- (3) If this section applies to an act, sections 10 to 13AE do not apply to the act.

## **Division 3                      Effect of confirmation of total or partial extinguishment of native title**

### **24            Preservation of beneficial reservations and conditions**

- (1) If—
- (a) a previous exclusive possession act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or
  - (b) the doing of a previous exclusive possession act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity and whether or not rights of usage;
- neither section 20 or 21 affects the reservation or condition or the rights or interests.
- (2) If—
- (a) a previous non-exclusive possession act attributable to the State contains a reservation or condition for the benefit of Aboriginal peoples or Torres Strait Islanders; or

- (b) the doing of a previous non-exclusive possession act attributable to the State would affect rights or interests, other than native title rights and interests, of Aboriginal peoples or Torres Strait Islanders, whether arising under legislation, at common law or in equity and whether or not rights of usage;

section 23 does not affect the reservation or condition or the rights or interests.

## **Part 11                      Miscellaneous**

### **144      Compulsory acquisition of native title**

- (1) The power of compulsory acquisition under a compulsory acquisition Act includes—
  - (a) power to compulsorily acquire, for the purposes of the compulsory acquisition Act, native title rights and interests in relation to any land or waters; and
  - (b) if native title rights and interests are compulsorily acquired in relation to land or waters, power to compulsorily acquire at the same time any non-native title rights and interests in relation to the land or waters.
- (2) To remove any doubt, it is declared that—
  - (a) native title rights and interests in relation to any land may be acquired under a compulsory acquisition Act even though the Act would not otherwise apply to the land; and
  - (b) all non-native title rights and interests in relation to the land may be acquired in accordance with subsection (1)(b) under a compulsory acquisition Act even though the Act would not otherwise apply to the land.

*Examples—*

- 1 As a result of the operation of subsection (2)(a), native title rights and interests in relation to unallocated State land under the *Land Act 1994* may be acquired under the *Acquisition of Land Act 1967* even though the *Acquisition of Land Act 1967* would not otherwise apply to the unallocated State land.
  - 2 As a result of the operation of subsection (2)(b), if native title rights and interests in relation to particular unallocated State land are acquired under the *Acquisition of Land Act 1967*, all non-native title rights and interests in relation to that unallocated State land may also be acquired at the same time under the *Acquisition of Land Act 1967* even though the *Acquisition of Land Act 1967* would not otherwise apply to the unallocated State land.
- (3) Subsection (2) does not limit subsection (1).
- (3A) Subsections (3B) and (3C) apply if—
- (a) native title rights and interests in relation to land or waters are acquired under a compulsory acquisition Act; and
  - (b) the holders of the rights and interests are entitled to compensation under the Commonwealth Native Title Act for the acquisition.
- (3B) If the person who acquires the rights and interests is not the State, that person is liable to pay the compensation.
- (3C) However, the State is liable to pay the compensation if, when the compensation is required to be paid, it is not reasonably practicable for the holders to otherwise recover the compensation.

*Note—*

See the *Native Title Act 1993* (Cwlth), section 24MD(4)(b)(i) in relation to the recovery of compensation.

- (4) In this section—

***compulsory acquisition Act*** means an Act, other than the *Land Act 1994*, providing for compulsory acquisition in relation to land or waters, including, for example, any of the following—

- *Acquisition of Land Act 1967*

- *Electricity Act 1994*
- *Petroleum and Gas (Production and Safety) Act 2004*
- *State Development and Public Works Organisation Act 1971*
- *Transport Planning and Coordination Act 1994.*

**145 Regulation-making power**

The Governor in Council may make regulations under this Act.

**146 Section headings—Commonwealth Native Title Act**

A reference in a section heading to a provision of the Commonwealth Native Title Act does not form part of this Act.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
		)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
0A	1998 Act No. 30	30 September 1998	2 October 1998
0B	1998 Act No. 30	30 September 1998	20 November 1998

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
0C	1998 Act No. 30	30 September 1998	23 April 1999
1	1998 Act No. 38 1999 Act No. 7 1999 Act No. 35 2000 Act No. 36	18 September 2000	6 October 2000

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1A	2004 Act No. 25	31 December 2004	
1B	2007 Act No. 39	21 September 2007	
1C	2008 Act No. 29	18 July 2008	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
18 July 2008 rv	2008 Act No. 29	RA s 27
28 May 2014	2014 Act No. 29	

## 4 List of legislation

### **Native Title (Queensland) Act 1993 No. 85**

date of assent 17 December 1993

ss 1–2(2) commenced on date of assent

ss 2(3)–6, pts 2–3 (ss 7–18A), pt 11 (ss 144–146), ss 162A–162E, 163A, 164–164D, 170A–170E, 171A, 172–172D and pt 13 divs 4–5 (ss 177–181) commenced 28 November 1994 (1994 SL No. 408)

ss 157–160, 161 and 162 commenced 21 December 1991 (see s 2(1), (3), 1994 SL No. 408 and 1991 SL No. 221)

ss 165–168, 169 and 170 commenced 21 December 1991 (see s 2(1), (4), 1994 SL No. 408 and 1991 SL No. 222)

ss 160A–160M, 161A–161G, 168A–168N and 169A–169G commenced 5 December 1994 (1994 SL No. 421)

pt 12 (ss 147–151, 154–156) commenced 1 June 1995 (1995 SL No. 143)

remaining provisions (pt 12, div 3) never proclaimed into force and om 2000 No. 36 s 17

amending legislation—

**Native Title (Queensland) Amendment Act 1994 No. 61 (this Act is amended, see amending legislation below)**

date of assent 24 November 1994

commenced on date of assent

amending legislation—

**Statute Law Revision Act 1995 No. 57 ss 1, 2(1), 4 sch 2 (amends 1994 No. 61 above)**

date of assent 28 November 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 24 November 1994 (see s 2(1) sch 2)

**Native Title (Queensland) Amendment Act 1995 No. 30**

date of assent 14 June 1995

commenced on date of assent

**Justice and Other Legislation (Miscellaneous Provisions) Act 1997 No. 9 ss 1–2(1), pt 15**

date of assent 15 May 1997

commenced on date of assent

**Native Title (Queensland) State Provisions Act 1998 No. 30 pts 1–2**

date of assent 3 September 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 30 September 1998 (see s 2(1) and 1998 SL No. 266)

**Native Title (Queensland) State Provisions Amendment Act (No. 2) 1998 No. 38 pts 1, 4 (this Act is amended, see amending legislation below)**

date of assent 27 November 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 18 September 2000 (2000 SL No. 246)

amending legislation—

**Native Title (Queensland) State Provisions Amendment Act 1999 No. 35 pts 1, 6 (amends 1998 No. 38 above)**

date of assent 29 July 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 12 November 1999 (1999 SL No. 274)

**Land and Resources Tribunal Act 1999 No. 7 ss 1–2, 87 sch 3**

date of assent 18 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 18 September 2000 (2000 SL No. 244) (proposed commencement 19 March 2001 (automatic commencement under AIA s 15DA(2) (2000 SL No. 34 s 2)))

**Native Title (Queensland) State Provisions Amendment Act 1999 No. 35 pts 1, 5**

date of assent 29 July 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 29 July 2000 (automatic commencement under AIA s 15DA(2))

**Native Title Resolution Act 2000 No. 36 pts 1, 4, s 18 sch 1**

date of assent 8 September 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 18 September 2000 (2000 SL No. 245)

**Petroleum and Gas (Production and Safety) Act 2004 No. 25 ss 1, 2(2), ss 1030–1033 (prev ss 970–973)**

date of assent 12 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 31 December 2004 (2004 SL No. 308)

**Land Court and Other Legislation Amendment Act 2007 No. 39 ss 1–2, 41 sch**

date of assent 29 August 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 21 September 2007 (2007 SL No. 236)

**Aboriginal and Torres Strait Islander Land Amendment Act 2008 No. 29 pts 1, 6**

date of assent 21 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 18 July 2008 (2008 SL No. 233)

**Land and Other Legislation Amendment Act 2014 No. 29 s 1, pt 7**

date of assent 28 May 2014

commenced on date of assent

## 5 List of annotations

**Preamble** amd 1994 No. 61 s 2 sch 2

**Objects of Act**

s 3 amd 1998 No. 30 s 4; 1998 No. 38 s 14

**Definitions**

s 4 sub 1998 No. 30 s 5

def *accepted application* om 1998 No. 30 s 5

def *accepted application notice* sub 1995 No. 30 s 2 sch om 1998 No. 30 s 5

def *alternative provisions* om 1994 No. 61 s 2 sch 2

def *claimant application* om 1998 No. 30 s 5

def *Commonwealth Native Title Act* sub 1998 No. 30 s 5

def *compensation application* sub 1994 No. 61 s 2 sch 1 om 1998 No. 30 s 5

def *Land Tribunal* om 1998 No. 30 s 5

def *lawyer* om 1998 No. 30 s 5

def *mediation conference* om 1998 No. 30 s 5

def *member* om 1998 No. 30 s 5

def *National Registrar* om 1998 No. 30 s 5

def *native title determination application* om 1998 No. 30 s 5  
 def *Native Title Register* om 1998 No. 30 s 5  
 def *non-claimant application* om 1998 No. 30 s 5  
 def *NTA* sub 1998 No. 30 s 5  
 def *potentially affected person* om 1998 No. 30 s 5  
 def *President* om 1998 No. 30 s 5  
 def *presidential member* om 1998 No. 30 s 5  
 def *registered native title body corporate* ins 1994 No. 61 s 2 sch 1  
 om 1998 No. 30 s 5  
 def *registered native title claimant* ins 1994 No. 61 s 2 sch 2  
 om 1998 No. 30 s 5  
 def *registered native title holder* om 1994 No. 61 s 2 sch 1  
 def *Registrar* om 1998 No. 30 s 5  
 def *revised native title determination application* amd 1994 No. 61 s 2 sch 1  
 om 1998 No. 30 s 5  
 def *right to negotiate application* om 1998 No. 30 s 5  
 def *special issue* om 1998 No. 30 s 5  
 def *State Compulsory Acquisition Act* om 1998 No. 30 s 5  
 def *State Mining Act* om 1998 No. 30 s 5  
 def *State mining Act* ins 1998 No. 30 s 5  
 amd 2004 No. 25 s 1031  
 def *Tribunal* om 1998 No. 30 s 5  
 def *tribunal* ins 1999 No. 7 s 87 sch 3  
 om 2007 No. 39 s 41 sch  
 def *unopposed application* om 1998 No. 30 s 5  
 def *Wardens Court* sub 1998 No. 30 s 5  
 om 1999 No. 7 s 87 sch 3

**Object of part**

s 7 amd 1994 No. 61 s 2 sch 1; 1998 No. 30 s 6; 1999 No. 35 s 49

**Validation of intermediate period acts attributable to State**

s 8A ins 1998 No. 30 s 7

**Application of remaining provisions of part**

s 9 amd 1998 No. 30 s 8; 1999 No. 35 s 50

**Division 2—Effect of validation of past acts on native title**

**div hdg** amd 1998 No. 30 s 9

**Category A past acts that are not public works**

s 10 amd 1994 No. 61 s 2 sch 1

**Category A past acts that are public works**

s 11 amd 1994 No. 61 s 2 sch 1

**Division 2A—Effect of validation of intermediate period acts on native title**

**div hdg** ins 1998 No. 30 s 10

**Category A intermediate period acts dealing with the granting or vesting of certain interests in land or waters**

s 13AA ins 1998 No. 30 s 10

**Category A intermediate period acts that are public works**

s 13AB ins 1998 No. 30 s 10

**Category B intermediate period acts**

s 13AC ins 1998 No. 30 s 10

**Category C and D intermediate period acts**

s 13AD ins 1998 No. 30 s 10

**Sections 13AA to 13AD apply subject to registered indigenous land use agreements**

s 13AE ins 1998 No. 30 s 10

**Division 2B—Effect of extinguishment under division 2 or 2A**

div hdg ins 1998 No. 30 s 10

**Effect of extinguishment**

s 13A ins 1994 No. 61 s 2 sch 1  
amd 1998 No. 30 s 11

**Division 3—Other effects of validation under division 2 or 2A**

div hdg amd 1998 No. 30 s 12

**Preservation of beneficial reservations and conditions—past acts**

s 14 amd 1994 No. 61 s 2 sch 2; 1998 No. 30 s 13

**Preservation of beneficial reservations and conditions—intermediate period acts**

s 14A ins 1998 No. 30 s 14

**Compensation**

s 15 amd 1994 No. 61 s 2 sch 1  
sub 1998 No. 30 s 15

**Division 4—Validation of certain future acts**

div hdg ins 1999 No. 35 s 51

**Effect of registration on previous acts covered by indigenous land use agreements (NTA, s 24EBA(1) and (3))**

s 15A ins 1999 No. 35 s 51

**Object of part**

s 16 amd 1994 No. 61 s 2 sch 1

**Confirmation of ownership of natural resources etc.**

s 17 amd 2004 No. 25 s 1032

**Confirmation of access to beaches etc.**

s 18 amd 1994 No. 61 s 2 sch 1; 1998 No. 38 s 15

**Effect of confirmation under part**

s 18A ins 1994 No. 61 s 2 sch 1  
amd 1998 No. 30 s 16

**PART 4—CONFIRMATION OF TOTAL OR PARTIAL EXTINGUISHMENT OF NATIVE TITLE BY PARTICULAR PREVIOUS ACTS**

pt hdg sub 1998 No. 30 s 17

**Division 1—Objects**

**div hdg** sub 1998 No. 30 s 17

**Objects of pt 4**

**s 19** sub 1998 No. 30 s 17

**Division 2—Confirmation of extinguishment or partial extinguishment**

**div hdg** sub 1998 No. 30 s 17

**Confirmation of extinguishment of native title by certain acts that are not public works**

**s 20** sub 1998 No. 30 s 17

**Confirmation of extinguishment of native title by certain acts that are public works**

**s 21** sub 1998 No. 30 s 17

**Other extinguishment provisions do not apply**

**s 22** amd 1994 No. 61 s 2 sch 2  
sub 1998 No. 30 s 17

**Confirmation of partial extinguishment of native title by previous non-exclusive possession acts**

**s 23** sub 1998 No. 30 s 17

**Division 3—Effect of confirmation of total or partial extinguishment of native title**

**div hdg** ins 1998 No. 30 s 17

**Preservation of beneficial reservations and conditions**

**s 24** sub 1998 No. 30 s 17

**PART 5—RECOGNISED AND ARBITRAL BODIES**

**pt hdg** om 1998 No. 30 s 17

**Confirmation of validity of use of certain land held by State etc.**

**s 25** sub 1998 No. 30 s 17

**Notification**

**s 26** sub 1998 No. 30 s 17

**Compensation**

**s 27** sub 1998 No. 30 s 17

**PART 6—HOLDING OF NATIVE TITLE**

**pt hdg** om 1998 No. 30 s 17

**Prescribed bodies corporate and their functions**

**s 28** sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**PART 7—APPLICATIONS ABOUT NATIVE TITLE**

**pt hdg** om 1998 No. 30 s 17

**Division 1—Native title and compensation applications**

**div hdg** om 1998 No. 30 s 17

**Native title and compensation applications**

s 29 amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17

**Form and contents of applications**

s 30 om 1998 No. 30 s 17

**Claims to hold title with other persons**

s 31 om 1998 No. 30 s 17

**Material and fees to accompany applications**

s 32 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Action to be taken about applications**

s 33 sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Applications not complying with s 32**

s 33A ins 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**General application powers**

s 34 om 1998 No. 30 s 17

**Action to be taken about accepted applications**

s 35 amd 1994 No. 61 s 2 schs 1–2; 1995 No. 30 s 3  
om 1998 No. 30 s 17

**Special procedure for non-claimant applications**

s 36 amd 1994 No. 61 s 2 sch 1; 1995 No. 30 s 2 sch  
om 1998 No. 30 s 17

**Parties**

s 37 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Tribunal to decide persons whose interests may be affected**

s 38 om 1998 No. 30 s 17

**Applications that are unopposed**

s 39 om 1998 No. 30 s 17

**Power of Tribunal if parties reach agreement**

s 40 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Mediation conference to be held**

s 41 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Power of Tribunal if parties reach agreement after mediation conference**

s 42 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Applications not settled are to be heard and determined by Tribunal**

s 43 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 2—Right to negotiate applications**  
div hdg om 1998 No. 30 s 17

**Right to negotiate applications**  
s 44 amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17

**Form and contents of applications**  
s 45 om 1998 No. 30 s 17

**Material and fees to accompany applications**  
s 46 om 1998 No. 30 s 17

**Action to be taken about applications**  
s 47 om 1998 No. 30 s 17

**Compensation held in trust under “right to negotiate” procedures**  
s 47A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 3—Miscellaneous**  
div 3 (ss 48–49) om 1998 No. 30 s 17

**PART 8—INQUIRIES AND DETERMINATIONS BY THE TRIBUNAL**  
pt hdg om 1998 No. 30 s 17

**Division 1—Special inquiries**  
div 1 (ss 50–51) om 1998 No. 30 s 17

**Division 2—Inquiries generally**  
div hdg om 1998 No. 30 s 17

**Inquiries**  
s 52 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Inquiries may cover more than 1 matter**  
s 53 om 1998 No. 30 s 17

**Parties**  
s 54 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Opportunity to make submissions about evidence**  
s 55 om 1998 No. 30 s 17

**Representation before Tribunal**  
s 56 om 1998 No. 30 s 17

**Way in which questions are to be decided**  
s 57 om 1998 No. 30 s 17

**Reference of questions of law to Land Appeal Court**

s 58 om 1998 No. 30 s 17

**Evidence and findings in other proceedings**

s 59 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Power of Tribunal if proceeding is frivolous or vexatious**

s 60 om 1998 No. 30 s 17

**Power of Tribunal if prima facie case not made out**

s 61 om 1998 No. 30 s 17

**Power of Tribunal if applicant asks for dismissal of application**

s 61A ins 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Power of Tribunal if parties reach agreement during an inquiry**

s 61B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 3—Conferences and hearings**

div 3 (ss 62–71) om 1998 No. 30 s 17

**Division 4—Determinations and reports**

div hdg om 1998 No. 30 s 17

**Determination of Tribunal—native title and compensation applications**

s 72 om 1998 No. 30 s 17

**Determination that compensation is payable**

s 73 sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17

**Determination—right to negotiate applications**

s 74 amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17

**Reports after special inquiries**

s 75 om 1998 No. 30 s 17

**Determinations and reports to be in writing**

s 76 om 1998 No. 30 s 17

**Decision or determination conclusive**

s 77 sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Division 5—Appeals**

div 5 (ss 78–80) om 1998 No. 30 s 17

**Division 6—Offences**

div 6 (ss 81–86) om 1998 No. 30 s 17

**Division 7—Miscellaneous**

div hdg om 1998 No. 30 s 17

**Sending of documents to the Land Appeal Court**

s 87 om 1998 No. 30 s 17

**Return of documents etc. at end of proceeding**

s 88 om 1998 No. 30 s 17

**Protection of members etc.**

s 89 om 1998 No. 30 s 17

**Confidential information not to be disclosed**s 90 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17**Fees for persons giving evidence**

s 91 om 1998 No. 30 s 17

**PART 9—PROVISIONS ABOUT THE TRIBUNAL**

pt hdg om 1998 No. 30 s 17

**Division 1—Membership**

div 1 (ss 92–97) om 1998 No. 30 s 17

**Division 2—Provisions about District Court Judges**

div 2 (ss 98–101) om 1998 No. 30 s 17

**Division 3—Provisions about other members**

div 3 (ss 102–108) om 1998 No. 30 s 17

**Division 4—Organisation of Tribunal**

div hdg om 1998 No. 30 s 17

**Arrangement of business**s 109 amd 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 17**Constitution of Tribunal for exercise of powers**

s 110 om 1998 No. 30 s 17

**Reconstitution of Tribunal**

s 111 om 1998 No. 30 s 17

**Member presiding**

s 112 om 1998 No. 30 s 17

**Places of sitting**

s 113 om 1998 No. 30 s 17

**Division 5—Registrar and other officers and staff of Tribunal**

div 5 (ss 114–121) om 1998 No. 30 s 17

**Division 6—Assessors**

div hdg om 1998 No. 30 s 17

**Assessors**s 122 sub 1994 No. 61 s 2 sch 2 (amd 1995 No. 57 s 4 sch 2)  
om 1998 No. 30 s 17

**Appointment of assessors**

s 123 om 1998 No. 30 s 17

**Qualifications for appointment**

s 124 om 1998 No. 30 s 17

**Duration of appointment**

s 125 om 1998 No. 30 s 17

**Terms of appointment**

s 126 om 1998 No. 30 s 17

**Leave of absence**

s 127 om 1998 No. 30 s 17

**Resignation**

s 128 om 1998 No. 30 s 17

**Disclosure of interests**

s 129 om 1998 No. 30 s 17

**Termination of appointment**

s 130 om 1998 No. 30 s 17

**Division 7—Miscellaneous administrative matters**

div 7 (ss 131–134) om 1998 No. 30 s 17

**PART 10—NATIVE TITLE REGISTER**

pt hdg om 1998 No. 30 s 17

**Meaning of “claim”**

s 135 amd 1995 No. 30 s 2 sch  
om 1998 No. 30 s 17

**Native Title Register**

s 136 om 1998 No. 30 s 17

**Contents of the register**

s 137 amd 1994 No. 61 s 2 schs 1–2  
om 1998 No. 30 s 17

**Inspection of the register**

s 138 om 1998 No. 30 s 17

**Parts of the register may be kept confidential**

s 139 om 1998 No. 30 s 17

**Keeping the register**

s 140 om 1998 No. 30 s 17

**Register may be located in land registry**

s 141 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 17

**Proper officer to notify Registrar**

s 142 om 1998 No. 30 s 17

**Registrar to inform National Registrar of applications etc.**

s 143 om 1998 No. 30 s 17

**Compulsory acquisition of native title**

s 144 sub 1998 No. 30 s 18

amd 2000 No. 36 s 16; 2004 No. 25 s 1033; 2008 No. 29 s 72; 2014 No. 29 s 118

**No multiple compensation for essentially same act**

s 144A ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 18

**Valid previous acts by State extinguish native title**

s 144B ins 1994 No. 61 s 3

om 1998 No. 30 s 18

**Section headings—Commonwealth Native Title Act**

s 146 amd 1994 No. 61 s 2 sch 2

sub 1998 No. 38 s 16

**Rights to mine covering both alternative provision areas and other areas**

s 146A ins 1998 No. 38 s 16

om 2000 No. 36 s 18 sch 1

**PART 12—INTERIM PROVISIONS**

pt hdg om 2000 No. 36 s 17

**Division 1—Object of part**

div hdg om 2000 No. 36 s 17

**Object**

s 147 om 2000 No. 36 s 17

**Division 2—Compulsory acquisition**

div hdg om 1998 No. 30 s 19

**Native title rights and interests may be acquired**

s 148 amd 1994 No. 61 s 2 schs 1–2

om 1998 No. 30 s 19

**Effect of acquisition on native title**

s 149 sub 1994 No. 61 s 2 sch 1

om 1998 No. 30 s 19

**Acquisition to be on just terms**

s 150 amd 1994 No. 61 s 2 schs 1–2

om 1998 No. 30 s 19

**Requests for non-monetary compensation**

s 151 amd 1994 No. 61 s 2 sch 1

om 1998 No. 30 s 19

**Division 3—Mining**

div hdg om 2000 No. 36 s 17

**Native title holders are owners for State Mining Acts**

s 152 amd 1994 No. 61 s 2 sch 2  
om 2000 No. 36 s 17

**State Mining Acts apply with prescribed changes**

s 153 amd 1994 No. 61 s 2 schs 1–2; 1999 No. 7 s 87 sch 3  
om 2000 No. 36 s 17

**Division 4—Other interim provisions**

div hdg om 2000 No. 36 s 17

**Native title holders are owners**

s 154 om 2000 No. 36 s 17

**Interim regulation making power**

s 155 amd 1994 No. 61 s 2 sch 2  
om 2000 No. 36 s 17

**Expiry of part**

s 156 amd 1997 No. 9 s 46  
om 2000 No. 36 s 17

**PART 13—AMENDMENT OF ACTS**

pt hdg om 1998 No. 30 s 20

**Division 1—Amendment of Aboriginal Land Act 1991**

div hdg om 1998 No. 30 s 20

**Amended Act**

s 157 om 1998 No. 30 s 20

**Amendment of s.1.03 (Definitions)**

s 158 om 1998 No. 30 s 20

**Insertion of new s.1.04A**

s 159 om 1998 No. 30 s 20

**Amendment of s 2.04 (Meaning of Aboriginal land)**

s 160 sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.05 (Meaning of transferable and transferred land)**

s 160A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.06 (Lands that are transferable lands)**

s 160B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of ss 2.07, 2.09 and 2.10**

s 160C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.08 (Aboriginal reserve land)**

s 160D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.11 (Meaning of claimable and granted land)**

s 160E ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.12 (Lands that are claimable lands)**

s 160F ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.13 (Lands that are available Crown land—general)**

s 160G ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.15 (Tidal land)**

s 160H ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.16 (Meaning of city or town land)**

s 160I ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.17 (Meaning of township land)**

s 160J ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.02 (Minister to appoint trustees)**

s 160K ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.03 (Minister to act as soon as possible)**

s 160L ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 3.04A**

s 160M ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.3.06 (Existing interests)**

s 161 om 1998 No. 30 s 20

**Amendment of s 3.07 (Interests to be endorsed on deed)**

s 161A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.15 (Reservations of forest products and quarry material etc.)**

s 161B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.06 (Registrar to determine whether claim duly made)**

s 161C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.08 (Joint hearing of claims)**

s 161D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 4.08A**

s 161E ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.17 (Resolution of conflicting claims)**

s 161F ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 5.04A**

s 161G ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.5.08 (Existing interests)**

s 162 om 1998 No. 30 s 20

**Amendment of s 5.18 (Reservations of forest products and quarry materials etc.)**

s 162A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 5.20 (National Park subject to lease to State etc.)**

s 162B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.10 (Termination of appointment)**

s 162C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.20 (Procedure of Tribunal)**

s 162D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.24 (Particular powers of Tribunal)**

s 162E ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.26A**

s 163 amd 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 8.29 (Appeals to Land Appeal Court from decisions of Tribunal)**

s 163A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.30A**

s 164 sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 8.31A**

s 164A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Repeal of ss 9.05 and 9.09**

s 164B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 9.10 (Regulations)**

s 164C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 9.11**

s 164D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Division 2—Amendment of Torres Strait Islander Land Act 1991**

div hdg om 1998 No. 30 s 20

**Amended Act**

s 165 om 1998 No. 30 s 20

**Amendment of s.1.04 (Definitions)**

s 166 om 1998 No. 30 s 20

**Insertion of new s.1.05A**

s 167 om 1998 No. 30 s 20

**Amendment of s 2.03 (Meaning of Torres Strait Islander land)**

s 168 sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.04 (Meaning of transferable and transferred land)**

s 168A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.05 (Lands that are transferable lands)**

s 168B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.06**

s 168C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.07**

s 168D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.08 (Meaning of claimable and granted land)**

s 168E ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.09 (Lands that are claimable lands)**

s 168F ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.10 (Lands that are available Crown land—general)**

s 168G ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.12 (Tidal land)**

s 168H ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 2.13 (Meaning of city or town land)**

s 168I ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.14 (Meaning of township land)**

s 168J ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Replacement of s 2.17 (Torres Strait area)**

s 168K ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.02 (Minister to appoint trustees)**

s 168L ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.03 (Minister to act as soon as possible)**

s 168M ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 3.04A**

s 168N ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.3.06 (Existing interests)**

s 169 om 1998 No. 30 s 20

**Amendment of s 3.07 (Interests to be endorsed on deed)**

s 169A ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 3.15 (Reservations of forest products and quarry material etc.)**

s 169B ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.06 (Registrar to determine whether claim duly made)**

s 169C ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.08 (Joint hearing of claims)**

s 169D ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 4.08A**

s 169E ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s 4.17 (Resolution of conflicting claims)**

s 169F ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Insertion of new s 5.04A**

s 169G ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Amendment of s.5.08 (Existing interests)**

s 170 om 1998 No. 30 s 20

**Amendment of s 5.18 (Reservations of forest products and quarry material etc.)**

s 170A ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 5.20 (National Park subject to lease to State etc.)**

s 170B ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 8.10 (Termination of appointment)**

s 170C ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 8.20 (Procedure of Tribunal)**

s 170D ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 8.24 (Particular powers of Tribunal)**

s 170E ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Insertion of new s 8.26A**

s 171 amd 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 8.29 (Appeals to Land Appeal Court from decisions of Tribunal)**

s 171A ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Insertion of new s 8.30A**

s 172 sub 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Insertion of new s 8.31A**

s 172A ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Repeal of ss 9.05 and 9.09**

s 172B ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Amendment of s 9.10 (Regulations)**

s 172C ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Insertion of new s 9.11**

s 172D ins 1994 No. 61 s 2 sch 2

om 1998 No. 30 s 20

**Division 3—Amendment of Land Act 1962**

div hdg om 1998 No. 30 s 20

**Amended Act**

s 173 om 1998 No. 30 s 20

**Amendment of s.30**

s 174 om 1998 No. 30 s 20

**Replacement of s.33A (Non-application of certain provisions of Act to members of Land Tribunal)**

s 175 om 1998 No. 30 s 20

**Amendment of s 44**

s 176 sub 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Division 4—Amendment of Acts Interpretation Act 1954**

div hdg om 1998 No. 30 s 20

**Amended Act**

s 177 om 1998 No. 30 s 20

**Insertion of new s 13A**

s 178 sub 1994 No. 61 s 2 sch 1  
om 1998 No. 30 s 20

**Amendment of s.36 (Meaning of commonly used words and expressions)**

s 179 om 1998 No. 30 s 20

**Division 5—Amendment of Statutory Instruments Act 1992**

div hdg om 1998 No. 30 s 20

**Amended Act**

s 180 om 1998 No. 30 s 20

**Amendment of Schedule 1 (Provisions of Acts Interpretation Act 1954 that apply to Statutory Instruments)**

s 181 om 1998 No. 30 s 20

**PART 14—RENUMBERING OF ACT**

pt hdg ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20

**Renumbering of Act**

s 182 ins 1994 No. 61 s 2 sch 2  
om 1998 No. 30 s 20