

Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Bill 2014

Amendments during consideration in detail to be moved by
The Honourable the Minister for Natural Resources and Mines

1 **Clause 2 (Commencement)**

Page 14, after line 11—

insert—

- (3) Also, sections 60A and 61D commence on a day to be fixed by proclamation.

2 **Clause 4 (Amendment of s 10 (Lands that are transferable lands))**

Page 15, lines 2 to 12—

omit, insert—

Section 10(2)—

omit, insert—

- (2) However, land mentioned in subsection (1) ceases to be transferable land to the extent either of the following applies—
 - (a) it is taken, under the Acquisition Act, by a constructing authority;
 - (b) it is available land approved for a grant in fee simple by the chief executive under section 32C.
- (3) Also, land mentioned in subsection (1) is not transferable land to the extent it is the subject of any of the following—
 - (a) a declaration in force under section 16;
 - (b) an offer to allocate available land under section 32T, while the offer is in force;

- (c) an allocation process for available land under part 2A, division 6, until the process ends.

3 **Clause 5 (Insertion of new pt 2A)**

Page 19, lines 7 to 18—

omit, insert—

urban area means an area identified as an area intended for either urban purposes or future urban purposes on a map in a planning scheme used to show zones.

4 **Clause 34 (Amendment of s 9 (Lands that are transferable lands))**

Page 74, lines 11 to 21—

omit, insert—

Section 9(2)—

omit, insert—

- (2) However, land mentioned in subsection (1) ceases to be transferable land to the extent either of the following applies—
 - (a) it is taken, under the Acquisition Act, by a constructing authority;
 - (b) it is available land approved for a grant in fee simple by the chief executive under section 28C.
- (3) Also, land mentioned in subsection (1) is not transferable land to the extent it is the subject of any of the following—
 - (a) a declaration in force under section 13;
 - (b) an offer to allocate available land under section 28T, while the offer is in force;

- (c) an allocation process for available land under part 2A, division 6, until the process ends.

5 Clause 35 (Insertion of new pt 2A)

Page 78, lines 17 to 28—

omit, insert—

urban area means an area identified as an area intended for either urban purposes or future urban purposes on a map in a planning scheme used to show zones.

6 After clause 60

Page 131, after line 16—

insert—

60A Amendment of s 170 (Purchase price if deed of grant offered)

Section 170(2)—

omit.

7 Clause 61 (Insertion of new ch 7, pt 3B)

Page 132, line 29—

omit, insert—

shingle; and

- (c) any land that is below the low-water mark.

8 Clause 61 (Insertion of new ch 7, pt 3B)

Page 138, lines 25 and 26—

omit, insert—

- (b) is responsible for taking reasonable and practical measures to maintain the area in a safe condition.

Example of a reasonable and practical measure for paragraph (b)—

It may be a reasonable and practical measure to restrict public access to a part of a declared beach area that has significantly eroded rather than carry out extensive restoration work for the part.

Note—

See the *Civil Liability Act 2003*, chapter 2, part 3, division 1, for civil liability principles that apply to public and other authorities, including local governments.

9 Clause 61 (Insertion of new ch 7, pt 3B)

Page 139, lines 5 to 8—

omit, insert—

- (b) is not, and can not be made, civilly liable for an act or omission of the person in relation to the declared beach area unless—
- (i) the act or omission creates a risk in relation to which the person would, other than for this section, be civilly liable; and
- (ii) the person intends to create the risk or is reckless as to whether the risk is created.

10 After clause 61

Page 140, after line 25—

insert—

61A Omission of s 469

Section 469—

omit.

61B Amendment of s 471 (Right to a post-Wolfe freeholding lease)

Section 471(1), after ‘non-competitive lease’—

insert—

, other than a lease for grazing or agricultural purposes,

61C Amendment of s 478 (Right to a post-Wolfe freeholding lease)

Section 478(1), after ‘special lease’—

insert—

, other than a lease for grazing or agricultural purposes,

61D Amendment of sch 2 (Original decisions)

Schedule 2, entry for section 170(2)—

omit.