

# Lockhart River Aboriginal Shire Council Subordinate Local Law No. 7 (Indigenous Community Land Management) 2022

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law .....	2
	4 Definitions .....	2
<b>Part 2</b>	<b>Authority to enter etc. trust area.....</b>	<b>4</b>
	5 Persons authorised to enter etc trust area—Authorising local law, s 5.....	4
	6 Persons authorised to enter etc trust area—Authorising local law, s 6.....	4
<b>Part 3</b>	<b>Scientific research .....</b>	<b>4</b>
<b>Part 4</b>	<b>Camping sites.....</b>	<b>4</b>
	7 Conditions regarding the use of camping site, s 10 .....	4
<b>Part 5</b>	<b>Parks and reserves .....</b>	<b>5</b>
	8 Designation of parks and reserves—Authorising local law, s 14.....	5
	9 Prohibited and restricted activities—Authorising local law, s 15(1) .....	5
	10 Motor vehicle access in local government controlled areas—Authorising local law, s 16(1)(b).....	5
	11 Prohibited vehicles—Authorising local law, s 16(3).....	6
<b>Part 6</b>	<b>Miscellaneous.....</b>	<b>6</b>
<b>Schedule 1</b>	<b>Authority to enter, be in and live in the trust area.....</b>	<b>7</b>
<b>Schedule 2</b>	<b>Prohibited activities for parks and reserves.....</b>	<b>7</b>
<b>Schedule 3</b>	<b>Restricted activities for parks and reserves .....</b>	<b>9</b>
<b>Schedule 4</b>	<b>Motor vehicle access areas in local government controlled areas</b>	<b>9</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7 (Indigenous Community Land Management) 2022*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 7 (Indigenous Community Land Management) 2022* in order to enable local governments that have jurisdiction over trust areas under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to regulate the use of these areas.
- (2) The purpose is to be achieved by providing for;
  - (a) the authorisation of classes or categories of persons to enter, be in or live in the trust area; and
  - (b) the designation of the parts of the trust area where an approval to enter, be in or live in the trust area applies; and
  - (c) the prescribing of conditions of use for camping sites; and
  - (d) the designation of land as parks and reserves and the regulation of activities for these areas.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 7 (Indigenous Community Land Management) 2022* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law –
  - “**Aboriginal Tradition**” has the meaning given to that term by the Acts Interpretation Act 1954 (Qld) as it applies to the laws and customs of the traditional owners of the trust area
  - “**Approval**” means an approval required either under this subordinate local law, *Local Law No. 1 (Administration) 2022* and subordinate law
  - “**Council**” means the Lockhart River Aboriginal Shire Council
  - “**Land Trust**” means the Mungkama Land Trust
  - “**Licence**” has the meaning given in section 97(2) of the *Aboriginal Land Act 1991 (Qld)*
  - “**Native Title Body Corporate**” means one of the registered native title bodies

corporate which, under the *Native Title Act 1993* (Cth) and *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth), hold native title over parts of the trust area

**“Standard Trust Area Conditions” means the following rules of entry to trust areas: –**

- (a) respect the Aboriginal Tradition of the trust area;
- (b) only enter that part of the trust area specified in an Approval;
- (c) only conduct those activities in the trust area specified in an Approval;
- (d) refrain from conduct which may cause nuisance, inconvenience, annoyance to Residents and Traditional Owners;
- (e) refrain from conduct which may adversely affect the amenity of the trust area, or parts thereof, and its enjoyment by Residents and Traditional Owners;
- (f) follow any lawful direction given by the Council and / or the Native Title Body Corporate;
- (g) comply with the Council’s local laws, subordinate local laws, and where applicable, its policies and procedures;
- (h) comply the terms of any Permit issued by the Land Trust; and
- (i) comply with the laws of the State of Queensland and Commonwealth of Australia.

**“Resident”** means a person who ordinarily resides in the trust area

**“Traditional Owner”** means a determined common law holder of native title for areas within the trust area

**“Visitor”** means a person visiting the trust area who is not a resident and/or a traditional owner, including but not limited to:-

- (a) all employees, contractors and/or agents of the Queensland and Australian Governments; and
- (b) tourists.

**“Visitor Trust Area Conditions”** means the following rules of entry to trust areas:-

- (a) notify the Council, Native Title Body Corporate and Land Trust 10 working days prior to any proposed entry to the trust area, including the following details:-
  - i. name and contact details of each person seeking entry;
  - ii. reason for entry and proposed activities;
  - iii. method of entry (eg. aircraft, boat, car etc)
  - iv. registration number of any vehicle to be used during proposed entry;
  - v. place and type of accommodation during proposed entry; and
  - vi. proposed arrival and departure dates

- (b) sign the Council visitor's book immediately, or otherwise as soon as practicable, upon entry to the trust area; and
- (c) comply with the Standard Trust Area Conditions.

## **Part 2 Authority to enter etc. trust area**

### **5 Persons authorised to enter etc trust area—Authorising local law, s 5**

For section 5 of the authorising local law, the classes and categories of persons listed in column 1 of schedule 1 are authorised to enter, be in or live in the parts of the trust area mentioned in column 2 of schedule 1, subject to the conditions specified in column 3 of schedule 1.

### **6 Persons authorised to enter etc trust area—Authorising local law, s 6**

For section 6(3) of the authorising local law, an approval granted under section 6(2) of the authorising local law applies to the following parts of the trust area;

- (a) That part of the trust area identified in a Permit and / or Approval

## **Part 3 Scientific research**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 4 Camping sites**

### **7 Conditions regarding the use of camping site, s 10**

For section 10 of the authorising local law, the conditions regarding the use of a camping site are;

- all rubbish must be removed by the camper,
- camping sites must be kept in a clean and tidy state,
- fires must not be lit other than in fireplaces (if provided),
- total fire bans imposed by authorised persons must be observed,
- firearms, dogs, cats, other domestic animals and feral plants or seeds must not be brought into a camping site,
- plants, animals, and natural and cultural resources, must not be disturbed, damaged or depleted,
- wildlife must not be fed, and food must not be left in a place where it can be scavenged,
- watercourses must not be polluted with shampoos, soaps, detergents,

sunscreens or other harmful substances,

- any directions given by an authorised person must be complied with,
- tools, such as axes, must not be used other than to split firewood or drive tent pegs,
- machetes must not be used,
- noise must not be made that may disturb Residents, Traditional Owners and / or other Visitors, particularly between 10pm and 7am,
- electricity generating equipment and compressors must not be used without approval,
- if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep and at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities, and
- where native title exists over the camping area, written consent must be obtained from the Native Title Body Corporate and / or a Licence obtained from the Land Trust prior to camping and such consent must be produced upon request by a duly authorised officer.

## **Part 5 Parks and reserves**

### **8 Designation of parks and reserves—Authorising local law, s 14**

- (1) For section 14(1) of the authorising local law, the following land is designated as a park—

*Section intentionally left blank.*

- (2) For section 14(2) of the authorising local law, the following land is designated as a reserve—

*Section intentionally left blank.*

### **9 Prohibited and restricted activities—Authorising local law, s 15(1)**

- (1) For section 15(1)(a) of the authorising local law, the activities described in column 2 of schedule 2 are declared to be prohibited in the corresponding park or reserve mentioned in column 1 of schedule 2.

- (2) For section 15(1)(b) of the authorising local law, the activities described in column 2 of schedule 3 are declared to be restricted in the corresponding park or reserve mentioned in column 1 of schedule 3, to the extent described in column 3 of schedule 3.

### **10 Motor vehicle access in local government controlled areas—Authorising local law, s 16(1)(b)**

For section 16(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 4 are declared to be motor vehicle access areas.

## **11 Prohibited vehicles—Authorising local law, s 16(3)**

For section 16(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 4 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 4.

## **Part 6 Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Schedule 1 Authority to enter, be in and live in the trust area

### Section 5

	<b>Column 1</b> <b>Class or category of person</b>	<b>Column 2</b> <b>Part of trust area that persons authorised to enter, be in and live in</b>	<b>Column 3</b> <b>Conditions of authorisation</b>
1	Visitors	<ul style="list-style-type: none"> <li>• Township areas; and</li> <li>• If applicable, areas the subject of a Licence and / or Approval</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance with Visitor Trust Area Conditions; and</li> <li>• Compliance with Standard Trust Area Conditions</li> </ul>
2	Residents	The whole of the trust area	Compliance with Standard Trust Area Conditions
3	Traditional Owners	The whole of the trust area	Compliance with Standard Trust Area Conditions

## Schedule 2 Prohibited activities for parks and reserves

Section 9(1)

	<b>Column 1</b> <b>Park or reserve</b>	<b>Column 2</b> <b>Prohibited activity</b>
1	All parks within the local government area or insert name of specific park or reserve as described in section 7 of this subordinate local law	<b>Using a vehicle and / or camping otherwise than in compliance with a Licence and / or Approval</b>
2	All reserves within the local government area or insert name of specific park or reserve as described in section 7 of this subordinate local law	<b>Using a vehicle and / or camping otherwise than in compliance with a Licence and / or Approval</b>



### Schedule 3 Restricted activities for parks and reserves

Section 9(2)

	<b>Column 1</b> <b>Park or reserve</b>	<b>Column 2</b> <b>Restricted activity</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	<i>Intentionally left blank</i>	<i>Intentionally left blank</i>	<i>Intentionally left blank</i>
2			
3			
4			
5			
6			
7			

### Schedule 4 Motor vehicle access areas in local government controlled areas

Sections 10 and 11

<b>Column 1</b> <b>Motor vehicle access areas</b> <i>Intentionally left blank</i>	<b>Column 2</b> <b>Prohibited vehicles</b> <i>Intentionally left blank</i>
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