

# Torres Strait Island Regional Council Subordinate Local Law No. 7 (Indigenous Community Land Management) 2019

## Contents

---

Part 1	Preliminary .....	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law .....	2
	4 Definitions .....	2
Part 2	Authority to enter etc. trust area .....	4
	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
Part 3	Scientific research.....	4
Part 4	Camping sites .....	4
	7 Conditions regarding the use of camping site, s 10 .....	4
Part 5	Parks and reserves .....	5
	8 Designation of parks and reserves—Authorising local law, s 14.....	5
	9 Prohibited and restricted activities—Authorising local law, s 15(1) .....	6
	10 Motor vehicle access in local government controlled areas—Authorising local law, s 16(1)(b).....	6
	11 Prohibited vehicles—Authorising local law, s 16(3).....	6
Part 6	Miscellaneous .....	6
Part 7	Repeal Provision .....	6
	12 Repeal of Subordinate Local Law No. 7 (Indigenous Community Land Management) 2013 .....	6
Schedule 1	Authority to enter, be in and live in the trust area .....	7
Schedule 2	Prohibited activities for parks and reserves.....	8
Schedule 3	Restricted activities for parks and reserves.....	9
Schedule 4	Motor vehicle access areas in local government controlled areas .....	10

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7 (Indigenous Community Land Management) 2019*.

### 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) 2010* 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) 2010* (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 –

**“Native Title Prescribed Body Corporate”** means Registered Native Title Prescribed Body Corporate under the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth).

**“non-visitors”** means residents and traditional owners.

**“standard trust area conditions”** means the following rules of entry to trust areas –

- (a) respect the Ailan Kastom and Ailan Lore of the trust area;
- (b) only enter the part of trust area specified in an approval;
- (c) do not engage in conduct which may cause nuisance, inconvenience or annoyance to the residents of the trust

area;

- (d) do not engage in conduct that would adversely affect the amenity of the surrounding trust area;
- (e) follow any lawful direction given by the local government and/or the Native Title Prescribed Body Corporate for the trust area;
- (f) comply with the local government's local laws and subordinate local laws;
- (g) where applicable, comply with the local government's policies and procedures;
- (h) comply with the laws of the State of Queensland and Commonwealth of Australia.

**“resident”** means a person who resides in the trust area on a permanent basis.

**“traditional owner”** means determined common law holders of Native Title under the *Native Title Act 1993* (Cth), as amended.

**“traditional visitor”** means a traditional visitor approved entry to the trust area under the provisions of the *Torres Strait Treaty 1985*.

**“visitor”** means a person who is not a resident and/or a traditional owner of the trust area. To avoid doubt, this includes but is not limited to: -

- (a) all visiting employees, contractors and/or agents of the Commonwealth, State and Federal Governments; and
- (b) visiting guests of a resident of the trust area; and
- (c) visiting guests of a traditional owner of the trust area.

Visitor excludes traditional visitors.

**“visitor trust area conditions”** means the following rules of entry to trust areas –

- (a) notify the Councillor for the trust area and where applicable, Native Title Prescribed Body Corporate representative for the trust area, of proposed entry to the trust area (this may occur by any verbal or written medium) and must include the following details: -
  - a. name and contact details of the person seeking entry to the trust area; and
  - b. reason for entry to the trust area; and
  - c. place of accommodation during entry to the trust area; and
  - d. proposed arrival and departure dates.
- (b) sign the Council visitor's book at the trust area immediately upon entry; 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) part of the trust area stipulated in the 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—

- (a) all rubbish must be removed by the camper or placed in receptacles provided;
- (b) camping sites must be kept in a clean and tidy state;
- (c) fires must not be lit other than in the fireplaces provided and in accordance with *Local Law No 3 (Community and Environmental Management) 2010*;
- (d) total fire bans imposed by authorised persons must be observed;
- (e) plants, animals, natural and cultural resources must not be disturbed or damaged;
- (f) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (g) watercourses must not be polluted with shampoos, soaps,

- detergents, sunscreens or other harmful substances;
- (h) any directions given by an authorised person must be complied with;
- (i) noise must not be made as to disturb other visitors, particularly between 10pm and 7am;
- (j) camping permit holders must not disturb, remove or damage any natural or cultural resources.
- (k) electric generating equipment and compressors must not be used without approval;
- (l) if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities; and
- (m) where Native Title exists over the camping site, consent must be obtained from a duly authorised officer of the Native Title Prescribed Body Corporate for the island upon which the camping site traverses.

## 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—

*Intentionally left blank*

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

Lot	Plan		Purpose
6	SP	280703	Airport - Boigu Island
2	CP	TS327	Airport - Saibai Island
4	SP	248421	Airport - Saibai Island
56	SP	242990	Airport - Mabuiag Island
995	SP	242990	Airport - Mabuiag Island
9	SP	235269	Airport - Badu Island
9	SP	271014	Airport - Arkai (Kubin Community), Moa Island
13	SP	271019	Airport - Arkai (Kubin Community), Moa Island
1	SP	282718	Airport - Iama (Yam Island)
8	SP	276843	Airport - Warraber (Sue Island)
37	SP	276845	Airport - Poruma (Coconut Island)
3	SP	270862	Airport - Poruma (Coconut Island)

56	SP	285749	Airport - Masig (Yorke Island)
2	CP	TS351	Helipad - Ugar (Stephen Island)
7	SP	282714	Airport - Erub (Darnley Island)
601	SP	249793	Airport - Mer (Murray Island)

## **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.

## **Part 7 Repeal Provision**

### **12 Repeal of Subordinate Local Law No. 7 (Indigenous Community Land Management) 2013**

*Subordinate Local Law No. 7 (Indigenous Community Land Management) 2013* is repealed.

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

### Section 5

	<b>Column 1 Class or category of person</b>	<b>Column 2 Part of trust area that persons authorised to enter, be in and live in</b>	<b>Column 3 Conditions of authorisation</b>
1	visitors (excluding traditional visitors)	township areas only or as otherwise approved by non-visitors of the trust area	<ul style="list-style-type: none"> <li>• visitor trust area conditions; and</li> <li>• standard trust area conditions</li> </ul>
2	non-visitors	entire trust area	standard trust area conditions
3	traditional visitors	trust area permitted under Treaty approval	standard trust area conditions

## **Schedule 2      Prohibited activities for parks and reserves**

Section 9(1)

Intentionally left blank



## **Schedule 3      Restricted activities for parks and reserves**

Section 9(2)

*Intentionally left blank*

---

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

Sections 10 and 11

*Intentionally left blank*