

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 124

WEDNESDAY, 29 OCTOBER 1997

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 **NATIVE TITLE AMENDMENT BILL 1997**

The order of the day having been read for the further consideration in detail of the Bill—

Bill, by leave, taken as a whole.

Debate resumed.

Mr Melham moved the following amendment: Schedule 1, page 5, after item 3, insert:

3A Racial Discrimination Act to prevail over provisions of Native Title Amendment Bill 1997

- (1) For the avoidance of doubt, it is expressly declared to be the intention of the Parliament that the provisions of the *Racial Discrimination Act 1975* shall prevail over any provisions of the *Native Title Amendment Act 1997*.
- (2) Nothing in the *Native Title Amendment Act 1997* shall be taken to authorise any conduct, whether legislative, executive or judicial, that is inconsistent with the provisions or operation of the *Racial Discrimination Act 1975*.

Debate continued.

Ordered—That consideration of the amendment moved by Mr Melham be postponed.

Mrs D. M. Kelly, by leave, moved the following amendments together:

Schedule 1—

After item 8, page 6 (after line 10) insert:

8A After section 19

Insert

19A Deeds of grant in trust

- (1) Where a State or Territory has issued deeds of grant in trust, in respect of areas of land, for the benefit of Aboriginal peoples or Torres Strait Islanders, such grants are deemed to be vested in the relevant community councils.
- (2) A community council may make application to a State or Territory for interests in portions of land subject to a deed of grant in trust to be transferred to such persons as the council nominates.
- (3) An interest in land transferred to a person under subsection (2) cannot later be transferred by any means to a person who is not a member of the group which was the beneficiary of the deed of grant in trust or who is descendant of such a person, or who is a resident of the area and nominated by the community council as an eligible person for the purposes of this section.

Item 9, page 19 (after line 18), after proposed paragraph 24AA(4)(f), insert:

- (fa) section 241E (permissible land title changes);

Item 9, page 48 (lines 6 to 11), omit proposed subparagraph 24GB(1)(d)(ii), substitute:

- (ii) another activity, on the area covered by the lease, that is associated with or incidental to a primary production activity covered by subparagraph (i).

Item 9, page 107 (line 11), subsection 43(1), omit “the Commonwealth Minister determines in writing that”.

Item 9, page 107 (line 13), subsection 43(1), omit “, while the determination is in force,”.

Item 9, page 107 (lines 16 to 17), subsection 43(2), omit “, in the opinion of the Commonwealth Minister,”.

Item 9, page 107 (lines 18 to 20), omit paragraph 43(2)(a), substitute:

- (a) contain procedures for giving notice of the act as if section 29 applied with modifications such that, for the purposes of subsection 29(3), the reference in section 252 to the Commonwealth Minister is taken to be a reference to the relevant State or Territory Minister.

Item 9, page 108 (line 16), paragraph 43(2)(i), omit “appropriate”, substitute “just”.

Item 9, page 108 (lines 26 to 34), omit subsection 43(3).

Item 9, page 109 (lines 4 to 5), subsection 43(4), omit: “arising from the making, amendment or revocation of determinations under this section”, substitute:

“arising from the commencement of alternative provisions that comply with subsection (2), or arising from alternative provisions ceasing to comply with subsection (2).”

Item 9, page 109 (line 16), subsection 43A(1), omit “the Commonwealth Minister determines in writing that:”.

Item 9, page 109 (line 24), subsection 43A(1), omit “, while the determination is in force,”.

Item 9, subsection 43A(4), page 110 (lines 31 to 32), omit “, in the opinion of the Commonwealth Minister,”.

Item 9, page 111 (lines 7 to 10), omit subparagraph 43A(4)(b)(i), substitute:

- “(i) they contain procedures for giving notice of the act as if section 29 applied with modifications such that, for the purposes of subsection 29(3), the reference in section 252 to the Commonwealth Minister were a reference to the relevant State or Territory Minister.”

Item 9, page 111 (lines 24 to 32), omit subsection 43A(6).

Item 9, page 112 (lines 4 to 5), subsection 43A(8), omit “arising from the making, amendment or revocation of determinations under this section”, substitute:

“arising from the commencement of alternative provisions that comply with subsection (2), or arising from alternative provisions ceasing to comply with subsection (2).”

After item 38, page 126 (after line 5). insert:

38A Section 227

At the end of the section insert:

- (2) For the purposes of this section, the conferral of ordinary title pursuant to section 55A is not an Act affecting native title.

Item 57, page 137 (lines 26 to 29), omit proposed paragraph (e) of the definition of *infrastructure facility*, substitute:

- (e) a storage, gathering, distribution or transmission facility for:
 - (i) oil or gas; or
 - (ii) derivatives of oil or gas;

Schedule 2—

Page 140, after item 4 (after line 18), insert:

4A After section 13

Insert:

13A Time limit for reliance on native title

A person shall not be entitled to claim any native title right or interest, or to rely on it for the purposes of a defence or otherwise, in proceedings in any court or tribunal more than 6 years after the commencement of this section, unless the person—

- (a) is entitled to those rights and interests according to an approved native title determination; or

- (b) has, within 6 years after the commencement of this section, made a claim under this Act or in a recognised State/Territory body to those native title rights or interests, and the claim has not been determined or dismissed.

Page 140, after item 9 (after line 15), insert:

9A Section 55

Omit “If”, substitute “Unless section 55A applies,”.

Page 140, after item 12 (after line 22), insert:

12A After Section 55

Insert:

55A Native Title claims may confer ordinary title

- (1) Notwithstanding anything contained in this Act where the laws of a State or Territory provide that a determination of native title in favour of native title claimants over vacant crown land shall be taken as conferring ordinary title in favour of the claimants then sections 56 and 57 do not apply.
- (2) Where the provisions of subsection (1) apply and
 - (a) the Federal Court proposes to make an approved determination of native title; and
 - (b) the determination is that native title exists at the time of making the determination

then the Federal Court respectively shall make an order conferring ordinary title over the land in favour of the claimants.

Item 19, page 146 (after line 25), after proposed subsection 61A(3), insert:

Native title determination application not to be made unless traditional physical connection has existed and continues to exist

- (4) A native title determination application must not be made in relation to an area unless there is evidence that a majority of the members of the native title claim group:
 - (a) has had a traditional physical connection with the area of land or water covered by the application; and
 - (b) currently has a traditional physical connection with the area of land or waters covered by the application.

Item 19, page 147 (lines 16 to 25), omit proposed paragraph 62(1)(c), substitute:

- (c) must contain details of:
 - (i) the traditional physical connection had by a majority of the members of the native title claim group with the area of land or waters covered by the application; and
 - (ii) the traditional physical connection a majority of the members of the native title claim group currently has

with the area of land or waters covered by the application; and

- (d) may contain details of the circumstances in which any member of the native title claim group has attempted to gain access to any of the land or waters covered by the application but been prevented from gaining the access sought.

Item 19, page 148 (lines 13 to 15), omit:

“a general description of the factual basis on which it is asserted that the native title rights and interests claimed exist and in particular that”,

substitute:

“a detailed description of the factual basis on which it is asserted that the native title rights and interests claimed exist and in particular that”.

Item 19, page 149 (lines 16 to 21), omit proposed paragraph 62(3)(b),

substitute:

- (b) must contain the details that would be required to be specified by paragraphs (1)(b) and (1)(c), and may contain the details that would be permitted under paragraph (1)(d), if the compensation application were instead a native title determination application in respect of the native title involved in the compensation application.

Item 53, page 189 (after line 6), after proposed subsection 183(3), insert:

Fairness and equity to be observed

- (3A) The Attorney-General must ensure that subject to the other provisions of this section assistance is provided fairly and equitably to any person who:
 - (a) is a party, or who intends to apply to be a party to an inquiry, mediation or proceeding related to native title; or
 - (b) who is a party to, or who intends to become a party to, or who may be involved in, a dispute concerning an indigenous land use agreement or an agreement about rights conferred under subsection 44B(1).

Item 63, page 195 (lines 20 to 24), omit proposed subsection 190B(7),

substitute:

Physical connection

- (7) The Registrar must be satisfied that a majority of the native title claim group currently has and has previously had a traditional physical connection with the area covered by the application

Debate continued.

Mr Williams (Attorney-General) moved—That consideration of the amendments moved by Mrs D. M. Kelly be postponed.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 127

Mr Abbott	Mrs Draper	Mr Latham	Mr Reid
Mr Adams	Ms Ellis	Dr Lawrence	Mr Reith
Mr Albanese	Mrs Elson	Mr Lee	Mr Ronaldson
Mr Anderson	Mr Entsch	Mr Lieberman	Mr Ruddock
Mr Andren	Mr G. J. Evans	Mr Lloyd	Mr Sawford*
Mr J. N. Andrew	Mr M. J. Evans	Mr McArthur*	Mr Scott
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McClelland	Mr Sercombe
Mr Anthony	Mr Fahey	Mr McDougall	Mr Sharp
Mrs Bailey	Mr L. D. T. Ferguson	Mr McGauran	Mr Sinclair
Mr P. J. Baldwin	Mr M. J. Ferguson	Ms Macklin	Mr Slipper
Mr R. C. Baldwin	Mr Fitzgibbon	Mr McLachlan	Mr A. C. Smith
Mr Barresi	Mr Forrest	Mr McLeay	Mr S. F. Smith
Mr Bartlett	Mrs Gallus	Mr McMullan	Mr W. L. Smith
Mr Beddall	Ms Gambaro	Mr Martin	Dr Southcott
Mr Billson	Mrs Gash	Mr Melham	Mrs Stone
Mrs Bishop	Mr Georgiou	Mr Miles	Mr Tanner
Mr Bradford	Mr E. L. Grace	Mr A. A. Morris	Mr Taylor
Mr Brereton	Mr Griffin	Mr P. F. Morris	Dr Theophanous
Mr Broadbent	Mr Hardgrave	Mr Mossfield	Mr A. P. Thomson
Mr Brough	Mr Hatton	Mrs Moylan	Mr K. J. Thomson
Mr Brown	Mr Hawker	Mr Mutch	Mr Truss
Mr Cadman	Mr Hicks*	Mr Nairn	Mr Tuckey
Mr R. A. Cameron	Mr Hockey	Dr Nelson	Mrs D. S. Vale
Mr Causley	Mr Holding	Mr Neville	Mr Wakelin
Mr Charles	Mr Hollis	Mr Nugent	Mrs West
Mr Cobb	Ms Jeanes	Mr O'Connor	Mr Williams
Mr Costello	Mr Jenkins	Mr O'Keefe	Mr Willis
Mr Crean	Mrs Johnston	Mr Price	Mr Wilton
Mrs Crosio	Mr Jull	Mr Prosser	Dr Wooldridge
Mr Dargavel	Miss J. M. Kelly	Mr Pyne	Ms Worth
Mr Dondas	Dr Kemp	Mr Quick	Mr Zammit
Mr Downer	Mr Kerr	Mr Randall	

NOES, 5

Mr Campbell	Mr Katter*	Mr Marek*
Ms Hanson	Mrs D. M. Kelly*	

* Tellers

And so it was resolved in the affirmative.

Debate continued on the question—That the Bill be agreed to.

Debate adjourned (Mr Williams), and the resumption of the debate made an order of the day for a later hour this day.

3 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Lee moved—That so much of the standing and sessional orders be suspended as would prevent notice No, 25. private Members' business, which has been lodged by the Member for Paterson, being called on forthwith, debated and determined at this sitting.

Closure of Member

Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development) moved—That the Member be not further heard.

Question—put and passed.

Mr Fitzgibbon (seconder) addressing the House—

Closure of Member

Mr Ronaldson moved—That the Member be not further heard.

Question—put and passed.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

The House divided (the Deputy Speaker, Mr Dondas, in the Chair)—

AYES, 46

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr Price
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Quick
Mr P. J. Baldwin	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Beddall	Mr E. L. Grace*	Mr McLeay	Mr Sercombe*
Mr Brereton	Mr Griffin	Mr McMullan	Mr S. F. Smith
Mr Brown	Ms Hanson	Mr Martin	Mr Tanner
Mr Campbell	Mr Hatton	Mr Melham	Dr Theophanous
Mr Crean	Mr Holding	Mr A. A. Morris	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr P. F. Morris	Mr Willis
Mr Dargavel	Mr Jenkins	Mr Mossfield	Mr Wilton
Mr G. J. Evans	Mr Kerr	Mr O'Connor	
Mr M. J. Evans	Mr Latham	Mr O'Keefe	

NOES, 83

Mr Abbott	Mrs Draper	Mr Lieberman	Mr Ruddock
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Scott
Mr Andren	Mr Entsch	Mr McArthur*	Mr Sharp
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McDougall	Mr Sinclair
Mr K. J. Andrews	Mr Fahey	Mr McGauran	Mr Slipper*
Mr Anthony	Mr Forrest	Mr McLachlan	Mr A. C. Smith
Mrs Bailey	Mrs Gallus	Mr Marek	Mr W. L. Smith
Mr Barresi	Ms Gambaro	Mr Miles	Dr Southcott
Mr Bartlett	Mrs Gash	Mrs Moylan	Mrs Stone
Mr Billson	Mr Georgiou	Mr Mutch	Mr Taylor
Mrs Bishop	Mr Hardgrave	Mr Nairn	Mr A. P. Thomson
Mr Bradford	Mr Hawker	Mr Nehl	Mr Truss
Mr Broadbent	Mr Hicks*	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Cadman	Ms Jeanes	Mr Nugent	Mr Wakelin
Mr R. A. Cameron	Mrs Johnston	Mr Prosser	Mrs West
Mr Causley	Mr Jull	Mr Pyne	Mr Williams
Mr Charles	Mr Katter	Mr Randall	Dr Wooldridge
Mr Cobb	Mrs D. M. Kelly	Mr Reid	Ms Worth
Mr Costello	Miss J. M. Kelly	Mr Reith	Mr Zammit
Mr Downer	Dr Kemp	Mr Ronaldson	

* Tellers

And so it was negated.

4 MESSAGE FROM THE SENATE—CHARTER OF BUDGET HONESTY BILL 1996

A message from the Senate was reported returning the following Bill with amendments:

28 October 1997—Message No. 359—Charter of Budget Honesty 1996.

Ordered—That the amendments be considered at the next sitting.

5 PUBLIC SERVICE BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 PAPER

The Speaker presented the following paper:

Public Service Act—Department of the Parliamentary Library—Report for 1996-97.

8 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Commission Act—

Aboriginal and Torres Strait Islander Commission—Report for 1996-97.

Torres Strait Regional Authority—Report for 1996-97.

ANL Act—ANL Limited—Report for 1996-97.

Australian Broadcasting Corporation Act—Australian Broadcasting Corporation—Report for 1996-97.

Australian Federal Police Act—Australian Federal Police—Report for 1996-97.

Australian Heritage Commission Act—Australian Heritage Commission—Report for 1996-97.

Australian Multimedia Enterprise Limited—Report for 1996-97.

Australian National Maritime Museum Act—Australian National Maritime Museum—Report for 1996-97.

Australian National Training Authority Act—Australian National Training Authority—Australia's vocational education and training system—Report for 1996—

Volume 1—National overview.

Volume 2—Commonwealth, State and Territory achievements.

Volume 3—Benchmarking vocational education and training.

Report for 1996-97.

Australian Nuclear Science and Technology Organisation Act—Safety Review Committee—Report for 1996-97.

Australian Science and Technology Council Act—Australian Science, Technology and Engineering Council—Report for 1996-97.

Australian Sports Commission Act—Australian Sports Commission—Report for 1996-97.

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Report for 1996-97.

Broadcasting Services Act—Australian Broadcasting Authority—Report for 1996-97.

Council for Aboriginal Reconciliation Act—Council for Aboriginal Reconciliation—Report for 1996-97.

Customs Administration Act—Australian Customs Service—Report for 1996-97.

Dairy Produce Act—Australian Dairy Corporation—Report for 1996-97.

Defence Force Remuneration Tribunal—Report for 1996-97.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report 1996-97.

Environment Protection (Alligator Rivers Region) Act—Supervising Scientist—Report for 1996-97.

- Equal Employment Opportunity (Commonwealth Authorities) Act—
Equal Employment Opportunity Program—Australia Post—Report for 1996-97.
- Equity and Diversity Program 1994-97—Airservices Australia—Report for 1996-97.
- Financial Transaction Reports Act—Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 1996-97.
- Health Insurance Act—Professional Services Review—Report for 1996-97.
- Primary Industries and Energy Research and Development Act—
Grains Research and Development Corporation and Grains Research and Development Corporation Selection Committee—Report for 1996-97.
- Grape and Wine Research and Development Corporation—Report for 1996-97.
- Protection of Movable Cultural Heritage Act—Report on the Act and National Cultural Heritage Fund for 1996-97.
- Public Service Act—
Australian War Memorial—Report for 1996-97.
- Commissioner for Superannuation—Report, incorporating a report on the administration and operation of the Papua New Guinea (Staffing Assistance) Act, for 1996-97.
- Department of Defence—Report for 1996-97.
- Department of Employment, Education, Training and Youth Affairs—Report for 1996-97.
- Department of Immigration and Multicultural Affairs—Report, including a report on the Adult Migrant English Program under the Immigration (Education) Act and a statement under the Australian Citizenship Act, for 1996-97.
- Radiocommunications Act—Spectrum Management Agency—Report for 1996-97.
- Repatriation Medical Authority—Report for 1996-97.
- Safety, Rehabilitation and Compensation Act—Comcare Australia—Report, including the report of the Safety, Rehabilitation and Compensation Commission and QWL Corporation Pty Limited, for 1996-97.
- Seafarers Rehabilitation and Compensation Act—Seafarers Safety, Rehabilitation and Compensation Authority—Report for 1996-97.
- Social Security Act and Public Service Act—Department of Social Security—Report for 1996-97.
- Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report for 1996-97.
- Veterans' Entitlements Act and Public Service Act—Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 1996-97.
- Wet Tropics of Queensland World Heritage Area Conservation Act—Wet Tropics Management Authority—Report for 1996-97.

- .. Workplace Relations Act and Public Service Act—Employment Advocate—
Report for the period 2 January to 30 June 1997.

9 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Reith (Leader of the House) moved—That the House take note of the following papers:

ANL Act—ANL Limited—Report for 1996-97.

Australian Broadcasting Corporation Act—Australian Broadcasting Corporation—Report for 1996-97.

Australian Heritage Commission Act—Australian Heritage Commission—Report for 1996-97.

Australian Multimedia Enterprise Limited—Report for 1996-97.

Australian National Maritime Museum Act—Australian National Maritime Museum—Report for 1996-97.

Australian Nuclear Science and Technology Organisation Act—Safety Review Committee—Report for 1996-97.

Australian Sports Commission Act—Australian Sports Commission—Report for 1996-97.

Broadcasting Services Act—Australian Broadcasting Authority—Report for 1996-97.

Customs Administration Act—Australian Customs Service—Report for 1996-97.

Defence Force Remuneration Tribunal—Report for 1996-97.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Australia Post—Report for 1996-97.

Protection of Movable Cultural Heritage Act—Report on the Act and National Cultural Heritage Fund for 1996-97.

Public Service Act—Department of Defence—Report for 1996-97.

Radiocommunications Act—Spectrum Management Agency—Report for 1996-97.

Safety, Rehabilitation and Compensation Act—Comcare Australia—Report, including the report of the Safety, Rehabilitation and Compensation Commission and QWL Corporation Pty Limited, for 1996-97.

Seafarers Rehabilitation and Compensation Act—Seafarers Safety, Rehabilitation and Compensation Authority—Report for 1996-97.

Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report for 1996-97.

Wet Tropics of Queensland World Heritage Area Conservation Act—Wet Tropics Management Authority—Report for 1996-97.

Workplace Relations Act and Public Service Act—Employment Advocate—Report for the period 2 January to 30 June 1997.

Debate adjourned (Mr Crean), and the resumption of each debate made an order of the day for the next sitting.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WORLD EQUITY MARKETS

The House was informed that both Mr Hockey and Mr L. D. T. Ferguson had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, the Speaker had given priority to the matter proposed by Mr Hockey, namely, "The urgent need for all who attempt to influence public opinion to demonstrate a responsible reaction to the current volatility on world equity markets, especially pending the close of the public offer relating to Telstra next Monday".

The proposed discussion having received the necessary support—

Mr Hockey addressed the House.

Discussion ensued.

Discussion concluded.

11 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE AND APPROPRIATION FOR YEAR 1997-98—APPROPRIATION BILL (NO. 3) 1997-98

Message No. 206, dated 27 October 1997, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1998; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 1) 1997-98*, for the service of the year ending on 30 June 1998, and for related purposes.

Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 1) 1997-98*, for the service of the year ending on 30 June 1998, and for related purposes.

Bill read a first time.

Mr Fahey moved—That the Bill be now read a second time.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for the next sitting.

12 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 1997-98—APPROPRIATION BILL (NO. 4) 1997-98

Message No. 207, dated 27 October 1997, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of certain proposed additional expenditure from the Consolidated Revenue Fund in respect of the year ending on 30 June 1998; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 2) 1997-98*, for certain expenditure in respect of the year ending on 30 June 1998, and for related purposes.

Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 2) 1997-98*, for certain expenditure in respect of the year ending on 30 June 1998, and for related purposes.

Bill read a first time.

Mr Fahey moved—That the Bill be now read a second time.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for the next sitting.

13 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE IN RELATION TO THE PARLIAMENTARY DEPARTMENTS FOR YEAR 1997-98—APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 1997-98

Message No. 208, dated 27 October 1997, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund in relation to the Parliamentary Departments in respect of the year ending on 30 June 1998; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation (Parliamentary Departments) Act 1997-98*, for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1998, and for related purposes.

Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation (Parliamentary Departments) Act*

1997-98, for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1998, and for related purposes.

Bill read a first time.

Mr Fahey moved—That the Bill be now read a second time.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for the next sitting.

14 TAXATION LAWS AMENDMENT BILL (NO. 6) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *Income Tax Assessment Act 1936*, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for the next sitting.

15 MEDICARE LEVY AMENDMENT BILL (NO. 2) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *Medicare Levy Act 1986*, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for the next sitting.

16 MESSAGE FROM THE SENATE—NATIVE TITLE AMENDMENT (TRIBUNAL APPOINTMENTS) BILL 1997

A message from the Senate was reported returning the following Bill with an amendment:

29 October 1997—Message No. 360—Native Title Amendment (Tribunal Appointments) 1997.

Ordered—That the amendment be considered at the next sitting.

17 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 4) 1997

A message from the Senate was reported returning the following Bill with amendments:

29 October 1997—Message No. 361—Taxation Laws Amendment (No. 4) 1997.

Ordered—That the amendments be considered at the next sitting.

18 NATIVE TITLE AMENDMENT BILL 1997

The order of the day having been read for further consideration in detail of the Bill—

Bill, as a whole—

Mr Williams (Attorney-General) moved the following amendment:

Schedule 4, page 269 (lines 1 to 10), omit the Schedule, substitute:

Schedule 4—Addition of Schedule

Native Title Act 1993

1 At the end of the Act

Add:

Schedule 1—Scheduled interests

Note: This Schedule lists things that are covered by the expression Scheduled interest (see section 249C).

Part 1—New South Wales

1 *Crown Lands Occupation Act 1861*

A lease for special purposes under section 30 of the *Crown Lands Occupation Act 1861*.

2 *Crown Lands Act 1884*

- (1) A conditional lease under the *Crown Lands Act 1884*.
- (2) A special lease under section 89 of the *Crown Lands Act 1884*.
- (3) A special lease under section 90 of the *Crown Lands Act 1884* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

agriculture; bakery; bee and poultry farm; boiling down works; brick-kiln; bridge; building or repairing ships or boats; construction of a drainage canal; construction of an irrigation canal; cricket; cultivation of eucalyptus; dairying; dam; erection of machinery; factory; ferry; freezing works; graving dock; inn; irrigation or drainage canal; lime-kiln; mail station; night soil depot; nursery garden; patent slip; pig and poultry farm; punt-house; residence; saw-mill; sericulture; sheep and cattle yard; show ground; site for storage of explosives; skin drying and skin packing; slaughterhouse; slaughterhouse accommodation paddock; smelting works; smithy; storage; store; tank; tannery; tobacco growing; tramway; vegetable garden; wattle growing; well; wharf; wool washing establishment.

- (4) A special lease under section 92 of the *Crown Lands Act 1884* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - (a) irrigation or drainage canals;

- (b) forming and maintaining tramways and crossings and other necessary approaches and works in connection with forming and maintaining tramways and crossings.

3 *Western Lands Act 1901, Crown Lands Consolidation Act 1913 and other land Acts*

- (1) A residential lease (whether an original or an additional holding) under section 48 of the *Crown Lands Act 1889*, section 50 of the *Crown Lands Act 1895* or section 80 of the *Crown Lands Consolidation Act 1913*.
- (2) A homestead selection or grant (whether an original or an additional holding) under the *Crown Lands Act 1895* or the *Crown Lands Consolidation Act 1913*.
- (3) A settlement lease (whether an original or an additional holding) under the *Crown Lands Act 1895* or the *Crown Lands Consolidation Act 1913*, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (4) A lease under section 23 of the *Western Lands Act 1901* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - agriculture or any similar purpose; agriculture (or any similar purpose) and grazing combined; mixed farming or any similar purpose other than grazing.
- (5) A conditional lease under the *Western Lands Act 1901* or the *Crown Lands Consolidation Act 1913*.
- (6) A special lease under section 28A of the *Western Lands Act 1901* or section 75 or 75B of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for a business purpose of any of the following:
 - accommodation building; bus depot; cafe; caravan and camping park; concrete batching plant; factory; feedlot; fish marketing and processing; fuel depot; garage; holiday accommodation; hospital; hotel; kiosk; manufacturing works; marina; motel; motor repair facility; nursing home; office accommodation; oyster depuration; oyster processing; processing plant; restaurant; retail shop; retirement village; service station; showroom; storage; tourist accommodation and facilities; workshop.
- (7) A special lease under section 28A of the *Western Lands Act 1901* or section 75 or 75B of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for a waterfront business of a marina, slipway, retail shop or food sales.

- (8) A special lease under section 28A of the *Western Lands Act 1901* or section 75 or 75B of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

abattoirs accommodation paddock; abattoirs and resting paddock; accommodation house; aerodrome; agriculture; agriculture or any similar purpose; agriculture (or any similar purpose) and grazing combined; archery ground; bakery; basketball court; bee and poultry farm; boatshed; boiling down works; bowling green; brick kiln; bridge; building and repairing boats; building and repairing boats or ships; building or repairing of ships; bushfire brigade facilities; cable station; church and school site; community centre; construction of drainage canal; construction of irrigation canal; council chambers; council depot; council office; coursing ground and plump-ton; cricket; cultivation; cultivation of eucalyptus; Country Women's Association rest rooms; dairying; dam; dam, weir or tank; day care centre; depot; dog and animal pound; dog racing course; domestic garden; driver training ground; equestrian grounds; erection of building; erection of coke oven; erection of dwelling; erection of machinery; factory; feedlot; ferries; freezing works; golf course; graving dock; gymnasium; horse racing course; horticulture; inn; kindergarten; land-based aquaculture; library; lime-kiln; mail station; manufacture of eucalyptus oil; market garden; mixed farming or any similar purpose other than grazing; motel; motor car and bike racing track; motor sports activities and facilities; neighbourhood depot; night soil depot; nursery garden; orchard; parking area; patent slip; pig and poultry farm; piggery; planting; poultry farm; power house, engine house, boiler house, bathroom, loading facilities or coal washery in connection with coal mining; pre-school; punt house; railway siding; railway station and depot; reclamation; refreshment room; refuse tip site; research centre; residence; residential development; residential subdivision; retirement village; rifle and pistol range; sale yard; sawmill; school and church site; school or other educational institution; septic tank; sericulture; sewage farm; sheep and cattle yard; showground; site for storage of explosives; skin drying and skin packing; slaughterhouse or abattoirs accommodation paddock; slaughterhouse; slip; smelting works; smithy; sporting club building; sporting ground; sporting ground and facilities; stable; storage of explosives; storage purposes; store; sugar cane growing; surf life saving club; swimming pool; tank; tannery; telecommunications or broadcasting tower, mast or building; tobacco growing; tramway; tree farming; vegetable garden; vegetable garden and nursery; velodrome; vineyard; volunteer rescue facilities; waste depot; water race; water storage; wattle growing; weighbridge; well; whaling station; wharf; wool washing establishment.

- (9) A conditional purchase lease (whether an original or an additional holding) under the *Crown Lands (Amendment) Act 1905* or the *Crown Lands Consolidation Act 1913*.

- (10) A Crown lease (whether an original or an additional holding) under the *Crown Lands (Amendment) Act 1912* or the *Crown Lands Consolidation Act 1913*, other than a lease that:
- (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (11) A suburban holding (whether an original or an additional holding), a town land lease within an irrigation area, a homestead farm (whether an original or an additional holding), an irrigation farm lease or a non-irrigable lease, under the *Crown Lands (Amendment) Act 1912* or the *Crown Lands Consolidation Act 1913*.
- (12) A week-end lease under the *Crown Lands Consolidation Act 1913*.
- (13) A special conditional purchase lease (whether an original or an additional holding) under the *Crown Lands Consolidation Act 1913*.
- (14) A lease under section 69A of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
- army depot; artillery range; beacon site; bombing range; firing range; lighthouse; naval facilities; pilot station; pistol range; quarantine station; rifle range; Royal Australian Air Force base; telecommunications or broadcasting tower, mast or building; training facility.
- (15) A special lease under section 74 of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
- artificial reef; boatshed; building and repairing boats; dam; erection of a building; erection of machinery; floating dock; jetty; pier; reclamation; waterfront business for the purpose of a marina, retail shop, restaurant or boat repairs; whaling station; wharf.
- (16) A special lease under section 76 of the *Crown Lands Consolidation Act 1913* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
- irrigation or drainage canal; forming and maintaining tramways and crossings and other necessary approaches and works in connection with forming and maintaining tramways and crossings.
- (17) A lease of town land under section 82A of the *Crown Lands Consolidation Act 1913*.

4 Returned Soldiers Settlement Act 1916

A lease under section 4 of the *Returned Soldiers Settlement Act 1916*.

5 *Closer Settlement Amendment (Conversion) Act 1943*

A group purchase lease, closer settlement lease or settlement purchase lease, under the *Closer Settlement Amendment (Conversion) Act 1943*.

6 *Crown Lands Act 1989*

A lease under section 34 of the *Crown Lands Act 1989* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

agriculture; aquatic centre; boatshed; building for the use of charitable or community service organisation; bushfire brigade facilities; cafe; caravan and camping area; childcare facilities; commercial retail purposes; community centre; council depot; day care centre; equestrian centre; factory; feedlot; golf course; hotel; industrial depot; kindergarten; kiosk; library; marina; motel; office accommodation; registered club; residential purposes; restaurant; rifle and pistol range; sporting club; sporting ground; sporting ground and facilities; storage area; telecommunications or broadcasting tower, mast or building; tennis court; tourist accommodation and facilities; volunteer rescue facilities; youth organisation facilities.

7 National Parks legislation

- (1) A lease under subsection 11(3) of the *Kosciusko State Park Act 1944*.
- (2) A lease under paragraph 30(1)(a) or (b) of the *National Parks and Wildlife Act 1967*.
- (3) A lease under paragraph 151(1)(a), (b), (c), (d) or (e) of the *National Parks and Wildlife Act 1974*.

8 Various Acts

A lease under section 5 of the *Public Parks Act 1854*, section 6 of the *Public Parks Act 1884*, section 7 of the *Public Parks Act 1902*, Part IIIA or Division 3 of Part IIIB of the *Crown Lands Consolidation Act 1913*, Schedule 9A to the *National Parks and Wildlife Act 1974* or Division 5 of Part 5 of the *Crown Lands Act 1989* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

accommodation house; amusement centre; art gallery; boat storage; boatshed; bowling green; building for use by community and charitable bodies; cafe; caravan park and camping ground; craft centre; day care centre; dog racing course and facilities; driver training ground; entertainment centre; football; golf course; Guide hall; historic building, structure and display; horse racing course and facilities; jetty; kindergarten; kiosk; launching ramp; marina; museum; restaurant; retail shop; retirement village; Scout hall; sporting club; sporting ground; sporting ground and facilities; sports stadium; swimming pool; tea room; telecommunications or broadcasting tower, mast or building; tourist information centre; volunteer rescue organisation; wharf;

wharf and jetty; youth club; youth organisation facilities.

Part 2—Victoria

9 Land Acts etc.

- (1) A lease under section XXI, XXIII or XLVII of the **Land Act 1862**.
- (2) A lease under section 50 of the **Land Act 1862** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection 3, 5, 8 or 9 of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (3) A lease under section 13 of the **Amending Land Act 1865**.
- (4) A lease under section 37 or 38 of the **Amending Land Act 1865** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection 3, 5, 8 or 9 of section 50 of the **Land Act 1862** or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (5) A lease under section 20, 31, 33 or 46 of the **Land Act 1869**.
- (6) A lease under section 45 of the **Land Act 1869** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (III), (V), (VIII) or (IX) of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (7) A lease under section 18, 44, 92 or 94 of the **Land Act 1884**.
- (8) A lease under the **Land Act 1884** in accordance with the conditions contained in a non-residence licence under section 49 of that Act.
- (9) A lease under section 91 of the **Land Act 1884** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8) or (9) of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (10) A lease of an agricultural allotment, or an agricultural lease, under the **Land Act 1884**, the **Land Act 1890**, the **Land Act 1898**, the **Land Act 1900**, the **Land Act 1900 (No. 2)**, the **Land Act 1901**, the **Land Act 1911**, the **Land Act 1915**, the **Land Act 1928**, the **Land Act 1941** or the **Land Act 1958**.
- (11) A lease of drained and reclaimed swamp land under section 85 of the **Land Act 1884**, section 85 of the **Land Act 1890**, section 131 of the **Land Act 1901**, section 110 of the **Land Act 1915**, section 110 of the **Land Act 1928** or section 110 of the **Land Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for agricultural or residential purposes.
- (12) A lease under section 18 or 100 of the **Land Act 1890**.

- (13) A lease under section 97 of the **Land Act 1890** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8) or (9) of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (14) A lease under the **Land Act 1890** in accordance with the conditions contained in a non-residence licence under section 49 of that Act or section 51 of the **Land Act 1898**.
- (15) A lease of a village community allotment under the **Settlement on Lands Act 1893** or the **Land Act 1901**.
- (16) A lease of a township allotment under the **Settlement on Lands Act 1893** or the **Land Act 1901**.
- (17) A lease of a homestead section under the **Settlement on Lands Act 1893** or the **Land Act 1901**.
- (18) A lease under section 2 of the **Land Act 1896**.
- (19) A perpetual lease under the **Land Act 1898**, the **Land Act 1900**, the **Land Act 1900 (No. 2)**, the **Land Act 1901**, the **Land Act 1904**, the **Land Act 1911**, the **Land Act 1915**, the **Land Act 1928**, the **Land Act 1941**, the **Land Settlement Act 1953**, the **Land Settlement Act 1958** or the **Land Act 1958**, other than a perpetual lease under Division 3 of Part II of the **Land Act 1958**.
- (20) A conditional purchase lease under the **Land Act 1898**, the **Land Act 1900**, the **Land Act 1900 (No. 2)**, the **Land Act 1901**, the **Murray Settlements Act 1907**, the **Land Act 1911**, the **Land Act 1915**, the **Land Act 1928**, the **Land Act 1933**, the **Land Act 1941** or the **Land Act 1958**.
- (21) A lease of a grazing allotment under section 61 of the **Land Act 1898** or section 56 of the **Land Act 1901**.
- (22) A lease under section 19 of the **Land Act 1900**.
- (23) A lease under section 18, 143, 144, 309, 311, 402 or 411 of the **Land Act 1901**.
- (24) A lease under the **Land Act 1901** in accordance with the conditions contained in a non-residence licence under section 50 of that Act.
- (25) A lease under section 142 of the **Land Act 1901** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8) or (9) of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (26) A residential lease of a selection purchase allotment, non-residential lease of a selection purchase allotment, or selection purchase lease, under the **Land Act 1901**, the **Land Act 1911**, the **Land Act 1915**, the **Land Act 1915 (No. 2)**, the **Land Act 1928**, the **Land Act 1941** or the **Land Act 1958**.

- (27) A lease under section 28 of the **Land Act 1904**.
- (28) A lease under section 73 of the **Land Act 1911**.
- (29) A lease under section 125 of the **Land Act 1915** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8) or (9) of that section, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (30) A lease under section 127 or 128 of the **Land Act 1915**.
- (31) A lease under section 4 of the **Land Act 1915 (No. 2)**.
- (32) A lease under subsection 126(2) or section 127, 128 or 356 of the **Land Act 1928**.
- (33) A lease under section 125 or 352 of the **Land Act 1928** or subsection 7(2) or section 14 of the **Land Act 1941** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph 125(1)(c), (e), (h) or (i) of the **Land Act 1928**, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (34) A right to occupy a residence area under the **Land (Residence Areas) Act 1935** or the **Land Act 1958**.
- (35) A lease under section 14 of the **Land Act 1941** to or by the holder of a lease under subsection 126(2) or section 127, 128 or 356 of the **Land Act 1928**.
- (36) A development lease under the **Land (Development Leases) Act 1951** or the **Land Act 1958**.
- (37) An improvement purchase lease under the **Land (Improvement Purchase Lease) Act 1956** or the **Land Act 1958**.
- (38) A cultivation lease under section 133B of the **Land Act 1958**.
- (39) A lease under section 134 of the **Land Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph (1)(c), (e), (h) or (i) of that section or for any of the following:

Aboriginal health services centre; accommodation and facilities for tourists; ambulance station; amusement park; bathing house; bowling club; bowling club and car park; bowls; bridge; car parking; caravan park; caravan park and camping ground; chair lift; church; clubhouse; clubroom; communications tower; Country Women's Association centre; craft centre; creative arts communication centre; depositing materials; depot; equestrian events; factory; ferry; ferry terminal; film and performing arts centre; fire station; fish freezing works; fish processing and freezing; fish processing works; football club; gas regulating and metering station; Girl Guides hall; gliding club; gliding field; golf; golf club; golf club house; golf course; golf driving range; grain testing facility; Guide hall; gun club; hall; harness racing club; health and fitness club and restaurant; holiday accommodation and

agricultural farming; industrial purposes; industrial storage; jetty pens; lawn tennis club; line depot; manufacture of industrial accessories; manufacture of salt; manufacturing and storage; marina; marine education centre; marine operations terminal; marine workshop and sales; maritime industry warehouse; mobile telecommunications tower; motor car club; motor cycle club; museum and interpretive centre; office accommodation; office; pistol club; pistol range; processing and storage of petrol; processing, freezing and retailing fish; production of salt; punt house; purification plant; quay; radio relay station; radio repeater station; radio station; radio telephone and repeaters; radio transmission tower; radio transmitting station; relay station; retail shopping centre; rifle range; Returned Services League club; salt extraction; sawmill; school; Scout hall; sea pilot's station and amenities; shooting range; site for a line depot; stadium; storage of materials; telecommunications tower; television transmitting station; tennis court; tennis courts and clubroom; toll house; transmission tower; vehicular ferry terminal; warehouse; waste transfer station; water industry training centre and accommodation; yacht club; yacht clubhouse and yard.

- (40) A lease under subsection 135(2) or section 136, 137, 151E, 222A, 222B of the **Land Act 1958**.
- (41) A lease under Subdivision 1 of Division 9 of Part I of the **Land Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for industrial purposes or for the generation of electricity for supply or sale.
- (42) An industrial lease, industrial purchase lease, or industrial development lease, under the **Land Act 1958**.

10 Water Acts etc.

- (1) A lease under section 75 of the **Victorian Water Conservation Act 1881**.
- (2) A lease under section 118 of the **Irrigation Act 1886**.
- (3) A lease under section 68, 243 or 292 of the **Water Act 1890**, section 299 of the **Water Act 1905**, section 299 of the **Water Act 1915**, section 299 of the **Water Act 1928**, section 324 of the **Water Act 1958** or section 132 of the **Water Act 1989**, that permits the lessee to use the land or waters covered by the lease solely or primarily for:
 - (a) agricultural or residential purposes; or
 - (b) an angling club or the storage and launching of boats.
- (4) A lease under section 277 of the **Water Act 1890**.
- (5) A lease under section 213 of the **Water Act 1905**.
- (6) A lease under section 184 of the **Water Act 1915**.
- (7) A lease under section 184 of the **Water Act 1928**.
- (8) A lease under section 200 of the **Water Act 1958**.

11 Forests Acts

- (1) A lease under section 39 of the **Forests Act 1918** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes of a dwelling-house or business premises.
- (2) A lease under section 51 of the **Forests Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - cabin accommodation; caravan park; dwelling house; hotel; mobile communications base station; nursery; preservation of an historic building; rifle range; saw mill; ski lodge; softwood production; steel tower and storage shed; telecommunications tower; television transmitter station; training and research centre; transmission tower.
- (3) A lease under section 51 of the **Forests Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph 134(1)(c), (e), (h) or (i) of the **Land Act 1958**, or for a bathing house, bridge, ferry, punt house or quay or for depositing materials.
- (4) A lease under section 57B of the **Forests Act 1958**.

12 National Parks Act 1975

- (1) A lease or tenancy under paragraph 19(2)(a) or section 30AA, 32AB or 32B of the **National Parks Act 1975**.
- (2) A tenancy of a building under paragraph 19(2)(b) of the **National Parks Act 1975**.
- (3) A lease under section 31AA of the **National Parks Act 1975** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph (2)(a) or (c) of that section.
- (4) A tenancy under section 32C of the **National Parks Act 1975** that permits the lessee to use the land or waters covered by the lease solely or primarily for residential purposes or for erecting, providing or using particular structures, facilities or equipment in connection with the keeping of horses or the conduct of a riding school.

13 Alpine Resorts Act 1983

- (1) A lease under subsection 28(2) of the **Alpine Resorts Act 1983** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph (a) or (b) of that subsection.
- (2) A lease under paragraph 28(2)(c) of the **Alpine Resorts Act 1983** that permits the lessee to use the land or waters covered by the lease solely or primarily for a fire station, telecommunications relay station or telephone exchange.
- (3) A lease under section 28A of the **Alpine Resorts Act 1983**.

14 Gardens Acts

- (1) A lease under subsection 24(2) of the **Royal Botanic Gardens Act 1991** that permits the lessee to use the land or waters covered by the lease solely or primarily for a kiosk, cafe, restaurant, shop or other outlet providing refreshment services.
- (2) A lease under subsection 24(3A) of the **Royal Botanic Gardens Act 1991**.
- (3) A lease under paragraph 33(2)(a) of the **Zoological Parks and Gardens Act 1995** that permits the lessee to use the land or waters covered by the lease solely or primarily for a kiosk, cafe, restaurant, shop or other outlet providing refreshment services.

15 Settlement Acts etc.

- (1) A settlement interim lease, settlement purchase lease or purchase lease under the **Soldier Settlement Act 1946**, the **Soldier Settlement Act 1958**, the **Land Act 1958**, the **Land Settlement Act 1959** or the **Rural Finance Act 1988**.
- (2) A perpetual lease under the **North-West Mallee Settlement Areas Act 1948** or Division 3 of Part II of the **Land Act 1958**, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (3) A lease under section 43 of the **Soldier Settlement Act 1958** pending the grant of an interim lease under that Act.
- (4) A temporary lease under the **Land Settlement Act 1959**.
- (5) A lease under section 47 of the **Land Settlement Act 1959**.

16 Crown Land (Reserves) Act 1978

- (1) A lease under section 14D, 16, 17C or 17D of the **Crown Land (Reserves) Act 1978** that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

antenna; caravan park; caravan park and camping ground; clubhouse; curtilage to a dwelling; curtilage to a private club; environmental education centre; fire tower; golf club; golf course; historic society; house encroachment; houseboat hire and servicing; kiosk, tea room, fish shop and jetty; marine research laboratory; mobile communications base station; museum; museum and interpretative centre; pistol range; pre-school centre; preserving historic building; public hall; radio transmission tower; rescue station; residence; sailing school; theatre; water filtration plant; water pump and underground tank.

- (2) A lease under section 22 or 23 of the **Crown Land (Reserves) Act 1978**.
- (3) A lease under section 29A of the **Crown Land (Reserves) Act 1978** that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph (1)(b) of that section.

17 Melbourne and Metropolitan Board of Works Acts

- (1) A lease under section 147 of the **Melbourne and Metropolitan Board of Works Act 1890**, section 209 of the **Melbourne and Metropolitan Board of Works Act 1915**, section 209 of the **Melbourne and Metropolitan Board of Works Act 1928** or section 235 of the **Melbourne and Metropolitan Board of Works Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for industrial or residential purposes.
- (2) A building or improving lease under section 148 of the **Melbourne and Metropolitan Board of Works Act 1890**, section 210 of the **Melbourne and Metropolitan Board of Works Act 1915**, section 210 of the **Melbourne and Metropolitan Board of Works Act 1928** or section 236 of the **Melbourne and Metropolitan Board of Works Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for industrial or residential purposes.

18 Port Acts etc.

- (1) A lease under section 35 of the **Harbor Boards Act 1958**, paragraph 24(2)(b) or 26B(1)(a) or subsection 46(1) of the **Port of Geelong Authority Act 1958**, paragraph 50(2)(b) or 56A(1)(a) or section 50A of the **Port of Melbourne Authority Act 1958**, paragraph 17A(2)(b) or 17E(1)(a) or subsection 19(2) of the **Port of Portland Authority Act 1958** or paragraph 65(4)(d) of the **Port Services Act 1995** that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - berthing and mooring facilities; jetty; loading and unloading of commercial shipping; pier and associated rock wall; storage of cargo or storage and operation of equipment and machinery for shipping operations or launching boats; wharf.
- (2) A lease under paragraph 24(2)(b) or 26B(1)(a) or subsection 46(1) of the **Port of Geelong Authority Act 1958** that permits the lessee to use the land or waters covered by the lease for any of the purposes mentioned in subsection 46(1) of that Act.
- (3) A lease under subsection 20(2) or 24(1) of the **Docklands Authority Act 1991** that permits the lessee to use the land or waters covered by the lease solely or primarily for a shipping terminal, workshop, port services headquarters or the operation of the Port of Melbourne, or for industrial purposes.

19 Railway and Transport Acts

- (1) A lease under section 76 of the **Railways Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for cultivation, for grazing and cultivation, or for residential purposes.
- (2) A lease under paragraph 41(1)(a) of the **Emerald Tourist Railway Act 1977** of a refreshment room, shed, office, shop, house, stall or other building, of a site for the erection of a refreshment room, shed, office, shop, house, stall or other building, or for storage.
- (3) A lease under subparagraph 21(1)(f)(i) of the **Railway Construction and Property Board Act 1979** that permits the lessee to use the land or waters covered by the lease solely or primarily for industrial or residential purposes.
- (4) A lease or tenancy under subsection 25(3) or 26(1) of the **Railway Construction and Property Board Act 1979**.
- (5) A lease under paragraph 47(2)(b) of the **Transport Act 1983** that permits the lessee to use the land or waters covered by the lease solely or primarily for cultivation, for grazing and cultivation, or for residential purposes.

20 Various Acts

- (1) A lease under section 17 or 20A of the **Education Act 1958** that permits the lessee to use the land or waters covered by the lease solely or primarily for a cultural centre, sports ground, school or other educational institution.
- (2) A lease under section 3 of the **Land (Surf Life Saving Association) Act 1967**.
- (3) A lease under subsection 7(2) or paragraph 15(1)(f) of the **Albury-Wodonga Agreement Act 1973** that permits the lessee to use the land or waters covered by the lease solely or primarily for agricultural or residential purposes.
- (4) A lease or tenancy under paragraph 6(2)(a) of the **Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977** or paragraph 7(2)(a) of the **Melbourne Market Authority Act 1977** that permits the lessee to use the land or waters covered by the lease solely or primarily for storing, distributing or selling vegetables, fruit, flowers or other produce.
- (5) A lease under paragraph 13(1)(i) of the **Government Employee Housing Authority Act 1981**.
- (6) A lease under section 128K of the **Casino Control Act 1991**.
- (7) A lease under paragraph 24(1)(b) of the **Melbourne Sports and Aquatic Centre Act 1994**, or a lease deemed to be granted under subsection 24(2) of that Act, that permits the lessee to use the land

or waters covered by the lease solely or primarily for sport or gaming activities or an entertainment centre.

- (8) A lease under section 7 of the **Australian Food Industry Science Centre Act 1995** that permits the lessee to use the land or waters covered by the lease solely or primarily for agricultural research.

Part 3—Queensland

21 Leases under various Land Acts etc.

- (1) A lease under section XII of the *Alienation of Crown Lands Act 1860*.
- (2) A lease under section 51 of the *Crown Lands Alienation Act 1868*.
- (3) A special lease under section 69 of the *Crown Lands Alienation Act 1868*, section 70 of the *Crown Lands Alienation Act 1876* or section 188 of the *Land Act 1897*.
- (4) A lease under the *Gold Fields Town Lands Act 1869*.
- (5) A lease under section 28 of the *Crown Lands Alienation Act 1876*.
- (6) A perpetual town allotment lease under the *Land Act 1897*.
- (7) A perpetual suburban allotment lease under the *Land Act 1897*.
- (8) A lease under section 119A of the *Land Act 1910*.
- (9) A lease under subsection 185(2) of the *Land Act 1910*, section 343 of the *Land Act 1962* or subsection 57(1) of the *Land Act 1994*, a special lease under the *Land Act 1910* or the *Land Act 1962*, a lease for a term of years or a perpetual lease under section 22B of the *State Housing Act 1945*, or a term lease or perpetual lease under the *Land Act 1994*, that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

abattoir; accommodation; accommodation paddock adjoining an abattoir; aerodrome; aeromodellers club; aged persons' home; agricultural and horticultural society showground; agriculture; air traffic control facilities; aircraft hangar site; aircraft hangar, repair and administration building; aircraft landing ground; airfield; airstrip; airstrip and terminal; all sports complex; amphitheatre; amusement and entertainment park and pub; animal refuge boarding kennel; animal refuge home; Apex club; archery club; archery range; arts and craft centre; automatic telephone exchange; aviation building; band hall site; bank; basketball; basketball club; basketball court; beacon; boat building; boat hire; boat pilot base and wharf; boat ramp; boat repair; boat sales; boat shed; boating and fishing club; bowhunting; bowhunting club; bowhunting range; bowling club; bowling green; bowls club; Boy Scouts hall; Boys Brigade hall; British Australian club; broadcasting tower, mast or facility; building encroachment; building or repairing boats; bulk fuel depot; bulk storage; bulk storage depot; burning of sawmill waste; bus depot; butchery; cafe; cafeteria; cane employees' accommodation; car parking; car storage; car wrecking yard; caravan park;

catamaran club; cattle transport depot or yard; causeway; change rooms and associated facilities; charitable organisation; child care centre; church; church and church hall; church school; city band hall; civil aviation anemometer site; civil aviation visual omni range; clubhouse; clubhouse for the Grand Lodge of the Royal Antediluvian Order of Buffaloes; coast guard facilities; coffee growing; coffee shop; coke works; commercial building development; communal bore; communal dam; communal storage building; communal tank; community centre; compressor station site; concrete batching plant; concrete manufacturing and storage of earthmoving equipment; conservatorium of music; coral art display and sales shop and residence; coral art display and sales shop or centre; crane hire; cricket; cricket club; cricket ground; cricket ground and grandstand; crocodile farm; croquet club; croquet pitch; culture centre; dairy; dam; dam site and agriculture; dance hall; dart playing hall; delicatessen-snack bar; depot; development office; dining hall; dip site; dog training; drive-in picture theatre; driver training; drug and alcohol rehabilitation centre; dry dock; educational institution; electricity generator and depot; electricity substation; electricity transmission tower; elevated passenger cable way pylons and building; Endeavour workshop; engineering workshop; equestrian and general sporting purposes; equestrian club; equestrian field; equestrian or pony field; explosive magazine; explosive manufacture, testing and storage; export game meat receipt and kangaroo pet food depot; fast food outlet; feed lot; ferry terminal; fertiliser storage depot; fibre board plant; field archery range; fire brigade station; fire observation tower; fish depot; fishing club; flood mitigation dam or canal; flying field and soaring/gliding building; football; football club; football ground; freight terminal and barge ramp; fruit growing; fruit storage; fuel and garage facilities; fuel depot; fuel storage; game collection centre; game fishing club; garage; gas compressor; gas offtake and pressure regulating system; gas storage tank; gas treatment plant; general engineering workshop; general store; Girl Guides hall; golf club; golf course; golf links; grain handling facilities; grain storage depot; gravel treatment; grazing and horticulture; grocery shop; gun club; heavy engineering and fabrication; helipad site; historical museum; hockey club; hockey pitch; holiday unit; home unit; horse and pony club; horse stabling; horticulture; hostel; hotel; hotel-casino; housing purposes; indoor sports centre; industrial development; industrial purposes; Jaycees room; jetty; judo; kindergarten; kiosk; knackery; land-based aquaculture; land-based aquaculture inlet canal; land-based mariculture; licensed club; light industrial purposes; lighthouse; line depot; log storage; lot feeding; machinery shed; machinery storage; maintenance depot; manufacturing; marina; marine stadium; marine workshop and slipway; market garden; market gardening; Masonic lodge; mechanical workshop; medical centre; memorial club; metal fabrication; microwave radio feeder station; microwave radio tower, mast or building; microwave repeater station; milk depot; mobile telecommunications tower, mast or building; mobile two way radio tower, mast or building; monorail train operation; motel; motocross track; motorbike sales and service; motorbike track; motor club; motorcycle club;

motorcycle raceway; motor raceway; motor racing; motor sports; multi-unit residential development; multi-purpose family centre; music hall; netball; netball club; netball court; newsagency; nursery; office; offtake and pressure regulating station; oil depot; on-shore boat house; optical fibre repeater station; orchard; pharmacy; piggery; pine plantation; pipe band hall; pistol club; pistol range; plant nursery; playground; Police Citizens Youth Club; polocrosse; polocrosse club; polocrosse field; pony club; pony field; post office; pottery club; power and sailing boat club and launching, storage and preparation area; power station; power substation; prawn receiving depot; pre-school; preparation and distribution of meals; private school; produce store; professional fishing base, building and wharf; Progress Association hall; pump site and agriculture; pump station; pumping plant; pumping station; quarry depot; racecourse; racecourse and showground; radio communication tower, mast or building; radio station; radio telephone station; radio transmitter; radio-telephone transmitter; rail transport infrastructure; railway; railway loop and train loading facilities; reclamation; repeater station; residential building development; residential flats; residential purposes; restaurant; restoration of historical structure and tourist accommodation and facilities; retail liquor outlet; retail shopping; retail shops and/or commercial office; retirement village; Returned Services League club; rice growing and small crops; rifle club; rifle range; roadhouse; roadside stall; rodeo ground; rowing club; rugby league clubhouse; rural training school; rural youth hall; sailing club; saleyard; salt production; sand blasting workshop; sawmill; sawmill products storage; school; school playground; sea cadets hall; secondary school; seed storage; service and maintenance depot; service station; settling pond; sewage disposal; sewage treatment plant; sewage treatment works; shed; shooting range; shop premises; shopping centre; shopping complex; shop; show society and associated sporting ground; showground; showroom; single person's quarters; skating rink; skeet shooting range; ski club; slaughterhouse; sleeper sawmill; slipway and associated facilities; small bore rifle range; soccer club; speedway and associated purposes; sporting complex; sporting field; sports club or complex; sports ground, field, pitch, stadium or oval; spray painting and mechanical repair; spraypainting; squash court; State Emergency Service purposes; stockpiling gravel; stockpiling sand and gravel; stock trucking yard; storage and milling of rice; storage of boats; storage of containers; storage of electrical equipment; storage of ilmenite; storage of plant and machinery; storage shed; sugar cane growing; sugar mill pumping site; sugar storage; supermarket; surf life saving facility; swimming club; swimming pool; tank site; tannery; tannery and knackery; target bowhunting; telecommunications tower, mast or building; telephone optical fibre repeater site; television tower site; television translator; television transmitting tower, mast or building; tennis club; tennis court; theatre; theatre or hall; timber storage; timber yard; tobacco growing; toll bridge; tourist accommodation; tourist accommodation and facilities; train loading facilities; tramway; tramway loading siding; transformer site; translator broadcasting station; transport depot; transport terminal; travel agency; tropical science field

station; truck and machinery depot; trucking depot; trucking yard; union office and associated facilities; vehicle parking; vehicle service and maintenance; vehicle traffic ramp and loading dock; vehicle wrecking yard; vehicles and machinery depot; vineyard; voltage regulator site; war graves; war veterans' home; warehouse; warehouse storage; water activity centre for Scouts; water bore site; water dissipation plant; water pumping station; water ski club; water storage facilities; waterfront shop; weighbridge; welding workshop; well site; wheat storage and handling depot; wheat storage shed or silo; wholesale plant nursery; workers' accommodation and marshalling yard; workshop; workshop for handicapped persons; yacht club; youth hall.

- (10) A development lease under the *Crown Land Development Act 1959* or the *Land Act 1962* that permits the lessee to use the land or waters covered by the lease solely or primarily for manufacturing, business, industrial, residential or tourist and recreational purposes.

22 Freeholding leases

- (1) A freeholding lease under the *State Housing Act 1945*.
- (2) A grazing homestead freeholding lease under the *Land Act 1962* or the *Land Act 1994*.
- (3) A freeholding lease as defined in Schedule 6 to the *Land Act 1994*.

23 Homestead interests

- (1) A homestead lease under the *Gold Fields Homestead Act 1870*, the *Gold Fields Homestead Leases Act 1886* or the *Mineral Homesteads Leases Act 1891*.
- (2) A homestead selection under the *Homestead Areas Act 1872* or the *Crown Lands Alienation Act 1876*.
- (3) An agricultural homestead under the *Land Act 1897*, the *Special Agricultural Homesteads Act 1901* or the *Land Act 1910*.
- (4) A free homestead under the *Land Act 1897* or the *Land Act 1910*.
- (5) A miner's homestead perpetual lease under the *Miners' Homestead Leases Act 1913*.
- (6) A miner's homestead lease under the *Miners' Homestead Leases Act 1913*, the *Mining Act 1898* or any Act repealed by the *Mining Act 1898*.
- (7) A grazing homestead under the *Upper Burnett and Callide Land Settlement Act 1923*.
- (8) A grazing homestead perpetual lease under the *Land Act 1962*.

24 Settlement farm leases

- (1) A settlement farm lease under the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Brigalow and Other Lands Development Act 1962*, the *Land Act 1962* or the *Irrigation Areas (Land Settlement) Act 1962*.
- (2) A designed settlement farm lease under the *Land Act 1910*.

25 Agricultural farms

An agricultural farm under the *Crown Lands Act 1884*, the *Agricultural Lands Purchase Act 1894*, the *Agricultural Lands Purchase Act 1897*, the *Land Act 1897*, the *Special Agricultural Selections Act 1901*, the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Brigalow and Other Lands Development Act 1962*, the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.

26 Perpetual lease selections

A perpetual lease selection under the *Land Act 1897*, the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Discharged Soldiers' Settlement Act 1917*, the *Upper Burnett and Callide Land Settlement Act 1923*, the *Sugar Workers' Perpetual Lease Selections Act 1923*, the *Tully Sugar Works Area Land Regulations Ratification Act 1924*, the *Irrigation Acts Amendment Act 1933*, the *Brigalow and Other Lands Development Act 1962*, the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.

27 Perpetual town leases

- (1) A perpetual town lease, including an auction perpetual lease that is a perpetual town lease, under the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Discharged Soldiers' Settlement Act 1917*, the *Workers' Homes Act 1919*, the *Tully Sugar Works Area Land Regulations Ratification Act 1924*, the *Irrigation Acts Amendment Act 1933*, the *State Housing Act 1945*, the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.
- (2) A perpetual town lease without competition under the *Land Act 1910*, the *Irrigation Areas (Land Settlement) Act 1933* or the *City of Brisbane (Flood Mitigation Works Approval) Act 1952*.
- (3) A perpetual town lease (non-competitive lease) under the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.

28 Perpetual suburban leases

- (1) A perpetual suburban lease, including an auction perpetual lease that is a perpetual suburban lease, under the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Discharged Soldiers' Settlement Act 1917*, the *Workers' Homes Act 1919*, the *Tully Sugar Works Area Land Regulations Ratification Act 1924*, the *State Housing Act 1945*, the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.
- (2) A perpetual suburban lease without competition under the *Land Act 1910*, the *Irrigation Areas (Land Settlement) Act 1933* or the *City of Brisbane (Flood Mitigation Works Approval) Act 1952*.
- (3) A perpetual suburban lease (non-competitive lease) under the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.

29 Perpetual country leases

- (1) A perpetual country lease, including an auction perpetual lease that is a perpetual country lease, under the *Closer Settlement Act 1906*, the *Land Act 1910*, the *Tully Sugar Works Area Land Regulations Ratification Act 1924*, the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.
- (2) A perpetual country lease without competition under the *Land Act 1910* or the *City of Brisbane (Flood Mitigation Works Approval) Act 1952*.
- (3) A perpetual country lease (non-competitive lease) under the *Irrigation Areas (Land Settlement) Act 1962* or the *Land Act 1962*.

30 Prickly pear-related interests

- (1) A prickly pear frontage selection under the *Land Act 1897*.
- (2) A prickly pear infested selection under the *Land Act 1897*.
- (3) A prickly-pear selection under the *Prickly Pear Selections Act 1901* or the *Land Act 1910*.
- (4) A perpetual lease prickly-pear development selection under the *Land Act 1910* or the *Prickly-pear Land Acts Amendment Act 1930*.
- (5) A prickly-pear development selection under the *Land Act 1910* or the *Prickly-pear Land Acts Amendment Act 1930*.

31 Leases under agreements given the force of law

- (1) Any special lease granted to Amoco Australia Pty Limited under clause 3 of the Agreement that is given the force of law by section 3 of the *Amoco Australia Pty Limited Agreement Act 1961*.
- (2) The lease granted to Austral-Pacific Fertilizers Limited under clause 4(b) or 4(c) of the Agreement that is given the force of law by section 3 of the *Austral-Pacific Fertilizers Limited Agreement Act 1967*.
- (3) Any special lease granted to Austral-Pacific Fertilizers Limited under clause 4(d) of the Agreement that is given the force of law by section 3 of the *Austral-Pacific Fertilizers Limited Agreement Act 1967*.
- (4) The special lease granted to the Gateway Bridge Company Limited under clause 1(5) of Part III of the Agreement that is given the force of law by section 4 of the *Gateway Bridge Agreement Act 1980*.
- (5) The special lease granted to the Sunshine Motorway Company Limited under clause 1(4) of Part III of the Agreement that is given the force of law by section 4 of the *Motorways Agreements Act 1987*.

32 Various interests

- (1) A lease under the *Leasing Act 1866*.
- (2) A lease under the *Gold Fields Homestead Act Amendment Act 1880*.

- (3) An unconditional selection under the *Crown Lands Act 1891*, the *Land Act 1897*, the *Closer Settlement Act 1906* or the *Land Act 1910*.
- (4) A designed agricultural selection under the *Land Acts Amendment Act 1952*.
- (5) A perpetual lease under section 8 of the *Clermont Flood Relief Act 1917*.
- (6) A sugar workers' agricultural farm under the *Tully Sugar Works Area Land Regulations Ratification Act 1924*.
- (7) A lease under section 64A of the *Harbours Act 1955*.
- (8) A purchase lease under the *Brigalow and Other Lands Development Act 1962*.
- (9) An auction purchase freehold under the *Land Act 1962*, including a lease under section 176 of that Act.
- (10) A special lease purchase freehold under the *Land Act 1962*, including a lease under subsection 207(7) of that Act.
- (11) A sub-lease under subsection 6A(2) of the *Industrial Development Act 1963*.
- (12) A lease under paragraph 24(b) of the *Industrial Development Act 1963*.
- (13) A mining titles freeholding lease under the *Mining Titles Freeholding Act 1980*.

Part 4—Western Australia

33 Legislation before 1898

- (1) A lease of town land under the *Land Regulations 1829* that permits the lessee to use the land or waters covered by the lease solely or primarily for residential purposes.
- (2) A lease of special occupation land under the *Land Regulations 1872*.
- (3) A conditional purchase lease under clause 46, 47, 48, 49, 50, 52 or 53 of the *Land Regulations 1887*.
- (4) A lease under subsection 12(5) of the *Mineral Lands Act 1892*.
- (5) A homestead farm under the *Homesteads Act 1893*.
- (6) A homestead lease under the *Homesteads Act 1893*.
- (7) A lease under the *Agricultural Lands Purchase Act 1896*.

34 *Land Act 1898* and *Land Act 1933*

- (1) A lease under section 41a of the *Land Act 1898* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

agriculture; artificial limb factory; bakehouse and store; boarding house; boat

repairing and shed for crews; bowling green; brickmaking; brine evaporation plant; cultivation; dairying; experimental cultivation; experimental gardening purposes; fish curing, canning and manufacture of by-products; fruit and confectionary shop; golf links; hospital site; manure and cement factory; market garden; pig and poultry farm; post office; residential purposes; sandalwood stack and store; slaughter yard; stable and storage yard; stacking firewood; stacking telegraph poles; store and dwelling; tramway and timber yard; tropical agriculture; vegetable growing; veterinary hospital.

- (2) A lease under section 152 of the *Land Act 1898* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8), (12) or (13) of that section.

- (3) A lease under section 152 of the *Land Act 1898* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

artificial lake; bathing house; billiard room; blacksmith and wheelwright shop; boarding house; boat building, fish canning and horse paddock; boat shed; bone crushing mill; brick kiln; bridge; building and repairing boats; butchering and slaughtering; canning and preserving works; cement works; chemical works; church site; clayhole and brick kiln; collection in catchment ditches and manufacture of salt; cultivation; cultivation of tobacco; dairying; depositing of materials; depot for sponge fishery; explosives magazine; factory site; ferry; fertiliser factory; fire brick manufacture; fishing station; foundry; gardening; growing cotton; hotel site; inn and general store; jetty site; land base for pearling activities; landing and packing pearl shell; laying up, repairing and fitting pearling vessels; lime burning; lime kiln; machinery depot; manufacturing aerated water; manufacturing plaster of paris and manure; manufacturing white lead; market garden; mixed gardening; monumental site; news and general agent; permanent pearling camp accommodation; piggery; poultry farm; preserving fish; private hospital; pumping station; punt house; quay; repairing luggers; residence; residential purposes; rope and twine factory; sanitary plant and stable; school; sheep dip; site for stores, dwelling or jetty; skating rink; slaughter yard; slipway for boats; stock yard; storage of fodder; storage of sandalwood; store and garden; store site; storing brewery requisites; tea and refreshment rooms; tennis club; tile factory; toll house; tramway siding; whaling factory; whaling station; wharf; wood shed; wool scouring shed; yacht clubhouse; yard for horses.

- (4) A lease of town or suburban land under section 153 of the *Land Act 1898* that permits the lessee to use the land or waters covered by the lease solely or primarily for residential purposes.
- (5) A lease under section 153a of the *Land Act 1898*.
- (6) A homestead farm under the *Land Act 1898* or the *Land Act 1933*.
- (7) A conditional purchase lease under Part V or VI of the *Land Act 1898* or Part V of the *Land Act 1933*.

- (8) A lease of special settlement land under the *Land Act 1898* or the *Land Act 1933*.
- (9) A lease of a working man's block under the *Land Act 1898* or the *Land Act 1933*.
- (10) A lease under subsection 32(1) of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

aerodrome; agriculture; angling clubhouse; aviary; boat shed; building; bulk wheat storage; caravan park; children's playground; concrete batching plant and stockpiling metal products; constructed stock and domestic water supply facility; cropping; cultivation; field laboratory for rock lobster research; fishing depot, building, repairing and hiring of boats, and petrol service station; fishing station; freezer works and residence; fuel depot; garage and building; garden and parking area; garden and poultry raising; golf links; holiday campsite consisting of residential buildings; hotel; land-based experimental aquaculture; lighthouse; market garden; monumental works; office extension; plant for treatment of mineral bearing earth; pound; radio translator; residence; residence, garden and apiary; rest room; rifle range; road train access and turn around area; sawmill; service station; shore whaling station; siding for delivery of wheat; slaughter yard; stock holding paddock adjoining transport facilities for stock awaiting transportation; stock holding paddock for abattoir; storage; storage of implements and vehicles; storage of manganese ore; storage of ore; taxi rank; timber mill; timber storage; transport depot; trotting racecourse; vehicle parking; weighbridge; woodyard.

- (11) A lease under subsection 33(3) of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

aerial landing ground; aged persons' home; bulk grain terminal; church; foreshore amusement park; livestock sales and produce processing; play group facilities; residential purposes; restaurant; rifle range; surf life saving club.

- (12) A lease under section 116 of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection (3), (5), (8), (12) or (13) of that section.
- (13) A lease under section 116 of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

abattoir; accommodation; accommodation and other buildings associated with the cultured pearl industry; aerial landing ground; agriculture; airstrip; airstrip and fishing base; angling clubhouse; aquatic centre; arboretum; auto repair business; automotive metal product fabrication; aviary; base for offshore petroleum operations; bistro-brasserie; boat pen and jetty site; boat

shed; bombing range; brick kiln; brickworks; brine catchment ditches; broadcasting and television tower and associated buildings; bulk fuel depot; bulk oil installation; bus depot; cafe; camel farm; camping and caravan park; car club; caravan and chalet park; caravan park; caravan park extension; church; church and church hall; church site; collection in catchment ditches and manufacture of salt; commercial snail farming; commercial tropical agriculture or horticulture; community theatre; company housing and recreation; company housing or accommodation; concrete batching and stockpiling of metal products; concrete batching plant; contractors' accommodation; conveyor belt; crocodile farm; cropping; cropping and grazing; cropping, grazing and private airstrip; cultivation and grazing; cultivation of plants for pharmaceutical purposes; dam; depositing of materials; depot; depot or storage; dwelling; effluent disposal; equestrian centre; explosive storage and manufacture; extension to commercial premises; extension to timber mill; factory; ferry; field laboratory associated with marine research; fire station; fish processing; fishing base; fishing holiday accommodation; garden; garden and tennis court; garden nursery; gas processing plant; gas production facility; general industry and staff accommodation; grain receipt depot; grain storage; grazing and agriculture; group housing; hall; hall and place of worship; heated swimming pool; holiday and tourist resort fishing station; homestead and tourist facility; homestead tourist facilities; horse stable; horse yard; hotel; hotel extension; hotel, motel and service station; housing for workforce; hydroponic vegetable garden; industrial purposes; industrial storage; intensive horticulture; jetty; land base associated with pearl oyster hatchery or pearling activities; land base associated with pearling; land base for fishing industry; land-based aquaculture; land-based experimental aquaculture or oyster hatchery; land-based oyster nursery; land-based pearl farming; land-based scallop/oyster farm; landing ground for aircraft; landscape gardening supplies business; light industrial purposes; light industry; lighthouse; lime burning; lime crushing; loading and unloading stock; lobster receipt depot; manganese road train assembly area; manse; manufacture and storage of concrete products; manufacture of salt; market garden; market garden and residence; mechanical workshop; meteorological station; mill; motel; motel and service station; motel unit development; motor cross speedway; motorcycle clubhouse; non-irrigated agriculture; noxious industry; office accommodation; office accommodation and storage; office and employee accommodation; oil storage depot; parking; parking and maintenance of vehicles; parking and spraying of machinery; parking and storage; permanent mining camp accommodation; pig farm; pistol club; plant nursery; potato growing; poultry farm; processing of crayfish; production of algae derivatives; professional fisherman's permanent camp accommodation; propagation of wildflowers; pumping station; quarantine station; quay; radio mast; radio station; radio translator site; radio transmitter receiving site; recreational game fishing accommodation and facilities; residence; residence and agriculture; residence and depot; residence and dog kennel; residence and garden; residence and market garden; residence and storage; residence

and storage of mining equipment; residence, cropping and grazing; restoration and occupation of historical building; retail shop for coffee and light meals; retail shop for gifts, souvenirs and food; rifle clubhouse; rifle range; road train parking; road transport depot; roadhouse; roadhouse, service station and general store; roadhouse, service station and restaurant; rubbish and effluent disposal; sandblasting; sawmill; school; service station; sewage pond, generator shed and landscaping; sewage treatment pond; shearing team quarters; sheep dips; ship or boat building; showroom and workshop; single person's quarters; slaughterhouse and holding paddock; slaughter yard; small bore pistol clubhouse; souvenir shop; speedway clubhouse and motor racing track; sporting complex; sportsground; stabling of horses; staff accommodation; staff quarters; stock sale yard; stock yard; stockpiling of river sand; storage and display of machinery; storage of cereal grain and bulk storage facility; storage of chemical spraying equipment; storage of machinery; storage yard and depot; store; sugar refinery; tailings dam; tannery; tavern; tea garden; telephone exchange; television station and translator facilities; tourist accommodation and facilities; tourist and travel shop; tourist facility associated with emus; tourist mine; tourist railway; trades hall and offices; transport terminal; tree farming; tropical garden; trotting course; truck depot; warehouse; water storage; water storage and garden; water tank; weather station; weighbridge; wharf; wool shed; workshop vehicle and machinery parking; workshop; workshop and storage of drilling materials; zoo.

- (14) A lease of town land under section 117 of the *Land Act 1933*, other than a lease that:
- (a) permits the lessee to use the land or waters covered by the lease solely or primarily for the purpose of a yacht harbour or mine buffer zone; or
 - (b) both:
 - (i) permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

access; communications; grazing or pastoral purposes; nature trail; pipeline; prawning; quarry; recreation; utilities; water supply;

and
 - (ii) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose, or solely or primarily for any of the following:

accommodation; amusement park; archery range; basketball court; bowhunting; bowling green; caravan park; car park; cropping; croquet pitch; dam; depot; golf course; industrial purposes; jetty; land-based aquaculture; manufacturing; motorbike track; motor racing track; racecourse; residence;

rifle range; shop; skating rink; sports centre; sports club; sports field; sports ground; storage; swimming pool; tennis court; theatre; tree farming.

- (15) A lease of town land under section 117 of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for a communications tower, mast or building.
- (16) A lease under section 117A of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for the construction and maintenance of a subway or bridge.
- (17) A lease under Part IV of the *Land Act 1933* that permits the lessee to use the land or waters covered by the lease solely or primarily for residential purposes.

35 Other legislation after 1898

- (1) A lease under the *Agricultural Lands Purchase Act 1909*.
- (2) A miner's homestead lease under Part VIII of the *Mining Act 1904*, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (3) A lease of a worker's dwelling house under Part V of the *State Housing Act 1946-1974*.
- (4) A perpetual lease under the *War Service Land Settlement Scheme Act 1954*.

36 Leases under certain mining-related and other Acts

A lease (other than a mineral lease) under the Agreement a copy of which is set out in the Schedule to any of the following Acts:

the *Oil Refinery Industry (Kwinana Agreement) Act 1952*; the *Broken Hill Proprietary Company's Integrated Steel Works Agreement Act 1960*; the *Iron Ore (Hamersley Range) Agreement Act 1963*; the *Iron Ore (Hamersley Range) Agreement Act 1963-1968*; the *Iron Ore (Robe River) Agreement Act 1964*; the *Iron Ore (Mount Goldsworthy) Agreement Act 1964*; the *Iron Ore (Mount Newman) Agreement Act 1964*; the *Leslie Solar Salt Industry Agreement Act 1966*; the *Dampier Solar Salt Industry Agreement Act 1967*; the *Evaporites (Lake MacLeod) Agreement Act 1967*; the *Iron Ore (Hamersley Range) Agreement Act Amendment Act 1968*; the *Irrigation (Dunham River) Agreement Act 1968*; the *Nickel Refinery (Western Mining Corporation Limited) Agreement Act 1968*; the *Alumina Refinery (Pinjarra) Agreement Act 1969*; the *Nickel Refinery (Western Mining Corporation Limited) Agreement Act Amendment Act 1970*; the *Poseidon Nickel Agreement Act 1971*; the *Iron Ore (Goldsworthy-Nimngarra) Agreement Act*

1972; the *Iron Ore (McCamey's Monster) Agreement Authorization Act 1972*; the *Iron Ore (Mount Bruce) Agreement Act 1972*; the *Alumina Refinery (Worsley) Agreement Act 1973*; the *Nickel (Agnew) Agreement Act 1974*; the *Mineral Sands (Eneabba) Agreement Act 1975*; the *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978*; the *Collie Coal (Griffin) Agreement Act 1979*; the *Collie Coal (Western Collieries) Agreement Act 1979*; the *North West Gas Development (Woodside) Agreement Act 1979*; the *Diamond (Argyle Diamond Mines) Agreement Act 1981*; the *Shark Bay Solar Salt Industry Agreement Act 1983*; the *Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985*; the *Western Mining Limited (Throssell Range) Agreement Act 1985*; the *Iron Ore (Channar Joint Venture) Agreement Act 1987*; the *Iron Ore-(Marillana Creek) Agreement Act 1991*;

that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

accommodation for employees and visitors; aerial landing ground; agriculture; airport; airstrip; ballast stockpile; ballast stockpile site; berthing and loading facilities and stockpiling salt; bulk handling and shipping terminal; bulk handling facilities; bulk loading facilities; camp comprising residential buildings; causeway; caustic soda farm; caustic soda train loader and pumping station; chalet; collection in catchment ditches and manufacture of salt; commissioning and operating of pilot plant for metallurgical research purposes; communications tower; communications tower and associated buildings; construction and maintenance of worker accommodation; construction and operation of branch lines and marshalling yard; construction and operation of railway; construction and use of causeway; contractor's accommodation; contractor's laydown area; dam site; dog pound; domestic television transmitter site; employee housing; extension to townsite for residential accommodation; heavy industry; heliport; housing; industrial area; industrial purposes; industrial site and associated facilities, installations and works; industrial stockpiling; irrigated agriculture; jetty with berthing and loading facilities; loading and stockpiling; maintenance and construction of workers' accommodation; market garden; marshalling yard; materials offloading facility; mine service area comprising contractor accommodation; offloading construction materials; permanent construction camp accommodation for employees; permanent mining camp accommodation; permanent railway construction camp accommodation; permanent way store; plant nursery; plant site area; port industrial area; power station cooling water intake system; produce loading jetty; production plant; pumping installation and reservoir; radio repeater station site; railway; railway and ancillary installations, works and facilities; railway shunting; railway shunting and marshalling; railway spur line; red mud pond; refinery, power station, water storage and buffer zone; residential purposes; sewage disposal site; sewage treatment plant and radio and television transmitter tower; ship loading; shunting lines; stockpile area; stockpile site; stockpile site and shiploading facilities; stockpiling site for railway ballast; storage and maintenance of quarry equipment; storage of railway equipment; supply

base; supply base and laydown area; tailing area; transmission mast; treatment plant; treatment plant and administration building; waste disposal site; waste material dump; water tank; wharf; workers' construction camp accommodation; workforce housing and welfare services; yard or site for ship-building, boat-building, storing of timber, coal, merchandise, goods or other property, or for the erection of a workshop or foundry.

Part 5—South Australia

37 Perpetual leases and leases for a term of years

- (1) A perpetual lease, or a lease for a term of years, of a working man's block, or a homestead block, (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under Part XI of the *Crown Lands Consolidation Act 1886*, Part VII of the *Crown Lands Act 1888*, Part IX of the *Crown Lands Act 1903*, Part IX of the *Crown Lands Act 1915* or Part IX of the *Crown Lands Act 1929*.
- (2) A perpetual lease under the *Crown Lands Act 1888*, the *Crown Lands Amendment Act 1893*, the *Closer Settlement Act 1897*, the *Crown Lands, Closer Settlement, and Blockholders' Loans Amendment Act 1901*, the *Crown Lands Act 1903*, the *Crown Lands Act 1915*, the *Returned Soldiers Settlement Act 1915*, the *Discharged Soldiers Settlement Act 1917*, the *Agricultural Graduates Land Settlement Act 1922*, the *Discharged Soldiers Settlement Act 1934*, Part V or section 66A or 199 of the *Crown Lands Act 1929*, the *Marginal Lands Act 1940*, the *Crown Lands Development Act 1943-1973* or the Agreement a copy of which is set out in the Schedule to the *War Service Land Settlement Agreement Act 1945*, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (3) A perpetual lease under section 8 of the *Broken Hill Proprietary Company Limited's Hummock Hill to Iron Knob Tramways and Jetties Act 1900* or section 5 of the *Hummock Hill to Iron Knob Tramway Extension Act 1927*.
- (4) A perpetual lease of a block of horticultural or commonage land under Part IV of the *Village Settlements Act 1901*, Part VIII of the *Crown Lands Act 1915*, the *Lyrup Village Association (District Extension) Act 1921* or Part VIII of the *Crown Lands Act 1929*.
- (5) A perpetual lease, or a lease for a term of years, of a block within an irrigation area under the *Irrigation and Reclaimed Lands Act 1908*, the *Irrigation and Reclaimed Lands Act 1914*, the *Irrigation Act 1922* or the *Irrigation (Land Tenure) Act 1930*.

- (6) A lease for a term of years under the *Returned Soldiers Settlement Act 1915*, the *Discharged Soldiers Settlement Act 1917* or the *Discharged Soldiers Settlement Act 1934*, other than a lease-that:
- (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (7) A perpetual lease, or a lease for a term of years, of a town allotment within an irrigation area under the *Irrigation Act 1922* or the *Irrigation (Land Tenure) Act 1930*.

38 Miscellaneous leases

- (1) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 1 of the *Miscellaneous Leases Act 1872*, section 92 of the *Crown Lands Consolidation Act (No. 86, 1877)*, section 159 of the *Crown Lands Consolidation Act 1886*, section 118 of the *Crown Lands Act 1888*, section 11 of the *Closer Settlement Act 1897*, section 11 of the *Closer Settlement Act 1902*, section 80 or 126 of the *Crown Lands Act 1903*, section 24 of the *Irrigation and Reclaimed Lands Act 1908*, section 26 of the *Irrigation and Reclaimed Lands Act 1914*, section 83 or 128 of the *Crown Lands Act 1915*, section 48 of the *Irrigation Act 1922*, section 77 or 182 of the *Crown Lands Act 1929* or section 27 or 44 of the *Irrigation (Land Tenure) Act 1930* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

accommodation; aerodrome; agriculture; airstrip and living quarters; amusement centre; bakery; bathing-house; boat building or repairing; boat hire depot; boat landing; boatshed; brick or lime kiln; bridge; building; building for business purposes; building for the use of charitable or community service organisations; bulk fuel agency; bulk fuel agency, transport depot and residence; camel holding for tourists; car park; caravan and camping park; caravan park; cereal growing; church; clubhouse; communications tower; cooling pond and pump house; deposit of materials or produce; drive-in theatre; factory; fellmongering establishment; firearms shooting; fishermen's residences and drying ground; Girl Guide accommodation cabin; Girl Guide hall; golf club; government building; grazing and cultivation; grazing, cultivation and nursery; hall; holiday accommodation; holiday home; horse training; horticulture; hostel; houseboat marina; houseboat mooring and car parking; industrial purposes; inn; irrigated forest and disposal of winery effluent and waste water; jetty; kindergarten; land-based aquaculture and grazing; land-based aquaculture development; land-based fish farming; land-based oyster cultivation; legal chambers; life saving club; light industrial development; lodge; mail station; manse; manufactory; manufacture of salt; manufacturing; marine research

facility; motel; motorcycle track; nursery; operating and maintaining a tramway; paper-mill; parking; parking, effluent disposal, water storage and power house; piggery; pine plantation; plant for ore reduction, manufacture of sulphuric acid and chemical manure; pony club; poultry farming; preservation of historic building; punt house; quay; radio tower; railway; railway station and jetty; residence; residence and kiosk; residence and storage depot; restaurant and kiosk; retail shop; retirement village; rifle range; road house, petrol reselling, motel and caravan park; rubbish dump; salt evaporation pond; sawmill; school or other educational institution; Scout accommodation cabin; Scout hall; shack site; ship building or repairing; showground; site for the depositing of materials or produce; site for wharf, quay, jetty; slaughterhouse; slaughterhouse and agriculture; slaughterhouse and associated yard; smelting works; smithy; sporting car club; sporting club; sporting ground; staff accommodation; stock sale yard; storage; storage and loading facilities; store; tannery; theatre; timber plantation, sawmill and timber processing; toilet block; toll house; tourist accommodation and facilities; tourist facilities; tourist information centre; tourist mine; tramway; transport depot; vegetable and fodder growing and grazing; vegetable growing; vegetable growing, fodder production and pig raising; water ski club; weather station; weighbridge; wharf; working men's club; working men's homestead block; worm-growing; wrecking yard and garage; youth cabin accommodation.

- (2) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 92 of the *Crown Lands Consolidation Act* (No. 86, 1877) that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V, VIII or IX of that section or subsection II or III of section 94 of that Act.
- (3) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 159 of the *Crown Lands Consolidation Act 1886* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V, VIII or IX of that section or subsection II or III of section 162 of that Act.
- (4) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 118 of the *Crown Lands Act 1888* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V, VIII or IX of that section or subsection I or II of section 123 of that Act.
- (5) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 80 of the *Crown Lands Act 1903* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V or VII of that section or paragraph II(a) or (b) of section 203 of that Act.

- (6) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 83 of the *Crown Lands Act 1915* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V or VII of that section or paragraph II(a) or (b) of section 245 of that Act.
- (7) A miscellaneous lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 77 of the *Crown Lands Act 1929* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in paragraph (1)III, IV, V or VII of that section or paragraph II(a) or (b) of section 244 of that Act.
- (8) A miscellaneous lease under section 78B of the *Crown Lands Act 1929* that permits the lessee to develop or use the land or waters covered by the lease solely or primarily for the purpose of holiday accommodation or a shack site.

39 Other interests

- (1) A lease with a right of purchase under the *Scrub Lands Act 1866*, the *Scrub Lands Act Amendment Act 1867*, the *Scrub Lands Act Extension Act 1870-71*, section 58 of the *Crown Lands Consolidation Act* (No. 86, 1877), section 20 of the *Crown Lands Amendment Act 1882*, Part II of the *Agricultural Crown Lands Amendment Act 1884*, Part II of the *Crown Lands Consolidation Act 1886*, Part III of the *Crown Lands Amendment Act 1887* or Part II of the *Crown Lands Act 1888*.
- (2) A credit agreement, or an agreement of sale and purchase on credit, under the *Waste Lands Amendment Act 1868-9*, the *Waste Lands Alienation Act 1872*, the *Crown Lands Consolidation Act* (No. 86, 1877), the *Crown Lands Amendment Act 1880*, the *Crown Lands Amendment Act 1881*, the *Crown Lands Amendment Act 1882*, the *Agricultural Crown Lands Amendment Act 1884* or the *Crown Lands Consolidation Act 1886*.
- (3) A lease with a right of purchase under section 39 of the *Waste Lands Alienation Act 1872* or Part III (other than section 58) of the *Crown Lands Consolidation Act* (No. 86, 1877) that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes of agriculture or cultivation.
- (4) A selector's lease under Part III of the *Agricultural Crown Lands Amendment Act 1884* or Part III of the *Crown Lands Consolidation Act 1886*.
- (5) A lease (other than a lease of land or waters forming the whole or part of an Aboriginal reserve) under section 29 of the *Crown Lands Amendment Act 1885*.

- (6) A grazing and cultivation lease, or a lease of grazing and cultivation lands, under Part II of the *Crown Lands Consolidation Act 1886* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes of agriculture or cultivation.
- (7) A lease with a right of purchase under the *Crown Lands Act 1888* or the *Crown Lands Amendment Act 1893*, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (8) A villager's lease under section 80 of the *Crown Lands Amendment Act 1893*.
- (9) An agreement under Part IX of the *Crown Lands Act 1903*.
- (10) A lease under clause 11 of the Indenture a copy of which is set out in the Schedule to the *Broken Hill Proprietary Company's Indenture Act 1937* that permits the lessee to use the land or waters covered by the lease solely or primarily for the purpose of constructing or extending a tramway.
- (11) A lease under section 35 of the *National Parks and Wildlife Act 1972* that permits the lessee to develop or use the land or waters covered by the lease solely or primarily for any of the following:

airstrip; archery clubhouse and archery range; cabin accommodation; canoe clubhouse; caravan park; cottage accommodation for residents, visitors or guests; employee accommodation in huts or other buildings; field station cabin accommodation; fish factory; garden; golf course; golf driving range; grazing and cropping; gymnasium; holiday house; horse and pony riding club; indoor health centre; jetty; kiosk and restaurant; lighthouse; model aircraft flying clubhouse; occupation and maintenance of historic or heritage building; optical fibre repeater building and solar panel; pistol club and shooting range; radio tower; radio/telephone tower and building; research centre; research station; residential accommodation; Scout or Guide hall; shack accommodation; storage of mining equipment; storage, take-off and landing of aircraft; tennis court; tourist accommodation; tourist accommodation, camping facilities, food and fuel outlet and licensed premises; youth hostel.

Part 6—Tasmania

40 Crown Lands Acts

- (1) A lease under section 81 or 82 of the *Crown Lands Act 1890*.
- (2) A lease under section 24 of the *Crown Lands Act 1890*, section 24 of the *Crown Lands Act 1903* or section 11 of the *Crown Lands Act 1911* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

children's playground; cycling track; dam or weir; fire station; golf club; hospital; monument; public hall; public pound; showground; sports ground; town hall; war memorial; wharf.

- (3) A lease under subsection 128(1) or section 129 of the *Crown Lands Act 1903*.
- (4) A lease under subsection 128(2) of the *Crown Lands Act 1903*, subsection 108(2) of the *Crown Lands Act 1911* or subsection 77(4) of the *Crown Lands Act 1935* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - bowling green; cool store; council works depot; erecting or working any manufactory, mill or other such work; fish hatchery; fuel depot; golf club; grain elevator; Hydro-Electric Commission substation; hotel; jetty; land-based aquaculture; marina; petrol depot; port facilities; refuse area; rowing club clubhouse; Scout accommodation; senior citizens' club; sewerage plant; ship building; showground; slipway; tennis court; water pumping station; wharf; yacht club.
- (5) A lease under subsection 108(1) or section 109 of the *Crown Lands Act 1911*.
- (6) A building lease under the *Crown Lands Act 1935*.
- (7) A lease under subsection 7(2) of the *Crown Lands Act 1935* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - aged persons' home; ambulance centre; aqueduct; bridge; club; communications tower, mast or building; community care institution; construction of a drain; construction of a water course; construction of an irrigation canal; crematorium; dam; fire station; hall; hospital; landing-place; library; literary or scientific institution; museum; quay; reservoir; sports club; sports facilities; sports ground; theatre; trigonometrical station; wharf.
- (8) A lease under section 23 of the *Crown Lands Act 1935* that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:
 - air force base; army base; army depot; bombing range; naval base; rifle range.
- (9) A lease under subsection 77(1) or section 78 of the *Crown Lands Act 1935*.
- (10) A lease under section 29 of the *Crown Lands Act 1976* that permits the lessee to use the land or waters covered by the lease solely or primarily for the any of the following:
 - agriculture; dairying; erection of residential building; growing of trees for commercial or industrial purposes; horticulture; industrial purposes; piggyery; poultry farm; viticulture.

41 Closer Settlement Act 1929

A lease under Part V of the *Closer Settlement Act 1929*, other than:

- (a) a lease under section 41 or 42 of that Act; or
- (b) a lease that:
 - (i) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (ii) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.

Part 7—Northern Territory**42 Town leases etc.**

- (1) A lease of town land under Division 4 of Part III of the *Crown Lands Ordinance 1912* (No. 3 of 1912) of the Commonwealth, Division 4 of Part III of the *Crown Lands Ordinance 1912* (No. 8 of 1912) of the Commonwealth, Division 4 of Part III of the *Crown Lands Ordinance 1924* of the Commonwealth, Division 4 of Part III of the *Crown Lands Ordinance 1927* (Territory of North Australia) of the Commonwealth, Division 4 of Part III of the *Crown Lands Ordinance 1927* (Territory of Central Australia) of the Commonwealth or section 25CF, 74A or 74D or Division 4 of Part III of the *Crown Lands Act 1931-1991* of the Northern Territory, other than a lease that:
 - (a) permits the lessee to use the land or waters covered by the lease solely or primarily for a harbour; or
 - (b) both:
 - (i) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (ii) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (2) A town land subdivision lease under Division 6 of Part III of the *Crown Lands Act 1931-1991* of the Northern Territory.

43 Agricultural leases etc.

- (1) A lease of agricultural land, or an agricultural lease, under Division 3 of Part III of the *Crown Lands Ordinance 1912* (No. 3 of 1912) of the Commonwealth, Division 3 of Part III of the *Crown Lands Ordinance 1912* (No. 8 of 1912) of the Commonwealth, Division 3 of Part III of the *Crown Lands Ordinance 1924* of the Commonwealth, Division 3 of Part III of the *Crown Lands Ordinance 1927* (Territory of North Australia) of the

Commonwealth, Division 3 of Part III of the *Crown Lands Ordinance 1927* (Territory of Central Australia) of the Commonwealth, section 25CG, 25DAA, 74A or 74D or Division 3 of Part III of the *Crown Lands Act 1931-1991* of the Northern Territory or section 14 of the *Agricultural Development Leases Ordinance 1956* of the Commonwealth, or under the Agreement a copy of which is set out in the Schedule to the *Rice Development Agreement Ordinance 1956* of the Commonwealth, other than:

- (a) an agricultural (mixed farming and grazing) lease; or
 - (b) a lease that:
 - (i) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (ii) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (2) An agricultural lease of an experimental farm under section 16A of the *Crown Lands Act 1931-1991* of the Northern Territory, other than a lease that:
- (a) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (b) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.
- (3) An agricultural development lease under the *Agricultural Development Leases Ordinance 1956* of the Commonwealth or under the Agreement a copy of which is set out in the Schedule to the *Rice Development Agreement Ordinance 1956* of the Commonwealth, other than:
- (a) an agricultural (mixed farming and grazing) lease; or
 - (b) a lease that:
 - (i) permits the lessee to use the land or waters covered by the lease solely or primarily for grazing or pastoral purposes; and
 - (ii) does not permit the lessee to use the land or waters solely or primarily for agriculture, horticulture, cultivation, or a similar purpose.

44 Leases for special purposes etc.

- (1) A lease for special purposes, or a special purposes lease, under section 83 of the *Northern Territory Land Act 1872* of South Australia, section 79 of the *Northern Territory Crown Lands Consolidation Act 1882* of South Australia, section 77 or 78 of the *Northern Territory Crown Lands Act 1890* of South Australia or

section 4 of the *Special Purposes Leases Act* of the Northern Territory that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

abattoir; Aboriginal hostel; accommodation; aerodrome; aged home; aged persons' flats; agricultural farm and garden; agriculture and mixed farming; airstrip; ambulance headquarters; ambulance station; amphitheatre; animal husbandry centre; animal shelter; archery club; archery range; art gallery; aviary; bakery; banana plantation; barge landing; barge terminal; basketball club; basketball court; bathing house; benevolent social work centre; blood centre and meeting rooms; blood transfusion centre; board headquarters; boatyard; botanic gardens; bowhunting club; bowhunting range; bowling club; bowling green; brick factory; brick yard; building or repairing boats; bulk cargo wharf; butcher; cafe; cannery; canteen; car parking; caravan park; caravan park and camping ground; cargo handling; cargo storage; carparking; cattle holding yard; centre for the spiritual and social welfare of children; child care; child minding centre; children's home; children's hostel; church; church hall; church manse; church rectory; cinema; civic centre; clinic; club building; club house; club room; college; community creche; community hall; community storage; community welfare centre; company headquarters; convent; convention centre; cooperative society; court house; craft complex; creche; crematorium; cricket club; cricket ground; croquet club; croquet pitch; dairy; depositing materials or produce; disposal of red mud; drive-in theatre; dry cleaners; educational institution; elderly persons' home; engineering workshop; equestrian club; equestrian field; erection of a wharf, berth, storehouse or slip for building or repairing ships and other vessels; explosive storage; factory; feed lot yard; ferry terminal; fish processing; food processing; football club; football ground; funeral home; game fishing club; game safari base; garage; gas storage facility; general store; Girl Guide accommodation cabin; Girl Guide hall; gliding club; golf club; golf course; greyhound racing; greyhound track; guest house; Guide hall; gun club; hall; headquarters of Australian Red Cross; hockey club; hockey pitch; holiday accommodation and facilities; holiday cabin; horse and pony club; horse stable; horse yard; horticulture; hostel; hotel; hotel/motel; housing units; industrial area; industrial purposes; inflammable materials storage; inn; institute of linguistics; jetty; kennel; kiln; landscaping supply depot; leadership centre; library; light industry; lime works; lodge hall; lodge room; lodge temple; mail station; manufacture of stockfood; marina; marina workshop; Masonic hall; meat packaging; meatwork effluent disposal; meatworks; meeting room; motel; motocross circuit; motorcycle racing; motor racing circuit; motor sports; municipal depot; museum; museum and art gallery; netball club; netball court; nursery; office; office of the Northern Territory Electricity Commission; on-shore tour boat base; on-shore trawler base; ore stockpile; orphanage; patrol headquarters; pearl culture land base; pearling depot; permanent construction camp accommodation; petrol depot; petrol station; pistol club; pistol range; police station; police youth club; polocrosse club; polocrosse field; pony club; pony field; post office; poultry farm; pound; power station; pre-school; preservation and protection of

artillery museum; preservation and restoration of well site; private sport site; private sports club; public swimming pool; punt house; quay; racecourse; racing club; radio communications building; radio communications tower; radio receiver station; radio transmitter; rail line; railway spurline; religious centre; research centre; research institute; residence; residential purposes; rest rooms; restaurant; retail store; rice growing; rifle club; rifle range; road house; road transport depot; rural residence; Salvation Army centre; sawmill; sawmilling depot; school; scientific research centre; Scout hall; seafarers' centre; seed processing plant; service station; sewage treatment; sheltered workshop; ship's chandlery; ship maintenance facility; shooting range; shore base for oyster cultivation; show ground; showroom; slaughter yard; slipway; speedway; sporting arena; sporting oval; sports club; sports complex; sports field, pitch, stadium or oval; sports ground; sports training ground; stockpiling and loading ore; storage; storage depot; storage of boats; store; studio; surgery; swimming club; swimming pool; television studio; tennis club; tennis court; theatre; toll house; tour base; tourist accommodation; tourist lodge; tourist theme park or facility; training centre; transport depot; warehouse; water treatment plant; watersports; wayside cafe; wayside inn; welfare centre; wharf; wholesale outlet; windmill; windmill servicing depot; wireless aerial site; workshop; youth services centre; zoo.

- (2) A special purposes lease under section 6 of the *Mining (Gove Peninsula Nabalco Agreement) Act* of the Northern Territory or subclause 4(2) of the Agreement a copy of which is set out in the Schedule to that Act that permits the lessee to use the land or waters covered by the leases solely or primarily for any of the following:

bulk cargo wharf; disposing of red mud and other effluents; general cargo wharf; industrial purposes; intake and discharge canal associated with plant cooling system; permanent construction camp accommodation; plant cooling system; sewage treatment plant; water reticulation plant.

45 Miscellaneous leases

- (1) A miscellaneous lease under Division 5 of Part III of the *Crown Lands Ordinance 1912* (No. 3 of 1912) of the Commonwealth, Division 5 of Part III of the *Crown Lands Ordinance 1912* (No. 8 of 1912) of the Commonwealth, Division 5 of Part III of the *Crown Lands Ordinance 1924* of the Commonwealth, Division 5 of Part III of the *Crown Lands Ordinance 1927* (Territory of North Australia) of the Commonwealth, Division 5 of Part III of the *Crown Lands Ordinance 1927* (Territory of Central Australia) of the Commonwealth or section 25DAA, 74D or 74E or Division 5 of Part III of the *Crown Lands Act 1931-1991* of the Northern Territory that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following:

abattoir; Aboriginal hostel; accommodation; agricultural and mixed farming; agricultural farm and garden; agriculture; airstrip; amphitheatre; amusement hall; animal husbandry centre; archery club; archery range; art gallery;

aviary; bakery; banana plantation; basketball club; basketball court; board and lodging house; board headquarters; boatbuilding; boatyard; bowhunting club; bowhunting range; bowling club; bowling green; brewery; brick factory; brick yard; brickmaking; Buffalo temple site; building or repairing boats; butchering; cafe; cannery; cargo storage; cinema; club; club house; club room; convalescent home; convent; convention centre; cotton farming; court house; crematorium; cricket club; cricket ground; croquet club; croquet pitch; cultivation; curing and storage of buffalo hides; dairy; depot; drive-in theatre; dry cleaners; dwelling house; engineering workshop; equestrian club; equestrian field; factory; feed lot yard; ferry terminal; fishing depot; flower seed plantation; football club; football ground; fruit growing; funeral home; game fishing club; game safari base; garage; garden; gas storage facility; general store; golf club; golf course; goods shed; guest house; hangar; hay production; hay shed; hockey club; hockey pitch; holding ground for cattle slaughtering; holiday accommodation and facilities; homestead; horse stable; horse yard; hostel; hotel; hotel store; industrial purposes; irrigation farming; kennel; kiln; kindergarten; landscaping supply depot; laundry; library; lodge room; market garden; motocross circuit; motor racing circuit; netball club; netball court; office; old men's home; on-shore tour boat base; orchard; orchid garden; pasture seed plantation; permanent construction camp accommodation; petrol depot; pig yard; piggery; pistol club; pistol range; plant nursery; plantation; polocrosse club; polocrosse field; pony club; pony field; poultry farm; pound; power station; racecourse; radio communications building; radio communications tower; radio transmission tower; rail line; recreation centre for women; religious centre; repair shop; research centre; residence; rice growing; rifle club; rifle range; rural residence; sawmilling; seafarers' centre; service station; ship's chandlery; ship maintenance facility; shop; showroom; slaughter yard; slipway; sports club; sports complex; sports field, pitch, stadium or oval; sports ground; stockyard; storage of boats; store; studio; surgery; swimming club; swimming pool; tank sinking plant; tannery; tennis club; tennis court; theatre; tour base; tourist camel farm; tourist theme park or facility; transport depot; tree farming; tropical agriculture; vineyard; viticulture; warehouse; water treatment plant; welfare centre; wholesale outlet; wireless station; wood yard; wool scouring; workshop.

- (2) A miscellaneous lease of garden land under section 73A of the *Crown Lands Ordinance 1924* of the Commonwealth, section 69 of the *Crown Lands Ordinance 1927* (Territory of North Australia) of the Commonwealth, section 69 of the *Crown Lands Ordinance 1927* (Territory of Central Australia) of the Commonwealth or section 70 of the *Crown Lands Act 1931-1991* of the Northern Territory.

46 Other leases

- (1) A lease under section 30 or 81 of the *Northern Territory Land Act 1872* of South Australia.
- (2) A lease under section 30 or 77 of the *Northern Territory Crown Lands Consolidation Act 1882* of South Australia.

- (3) A lease under Part II of the *Northern Territory Crown Lands Act 1890* of South Australia.
- (4) A lease under section 54 of the *Northern Territory Crown Lands Act 1890* of South Australia.
- (5) A lease under section 78 of the *Northern Territory Crown Lands Act 1890* of South Australia that permits the lessee to use the land or waters covered by the lease solely or primarily for the purposes mentioned in subsection III, V, VIII, IX or X of that section or subsection II or III of section 81 of that Act.
- (6) A lease under section 6A of the *Crown Lands Act 1931-1991* of the Northern Territory.
- (7) A lease under paragraph 23(b) or 23(c) of the *Crown Lands Act 1931-1991* of the Northern Territory, or a Crown lease under paragraph 26(a) or (b) of the *Crown Lands Act* of the Northern Territory, that permits the lessee to use the land or waters covered by the lease solely or primarily for any of the following purposes:

aerial sports academy; agricultural and mixed farming; agricultural development and marketing; agricultural farm and garden; agriculture; aircraft landing strip; airstrip; ambulance headquarters; amphitheatre; animal husbandry centre; aquatic entertainment centre; archery club; archery complex; archery range; art gallery; ash disposal pond; aviary; aviation; aviation historical society; banana plantation; basketball club; basketball court; beacon site; bitumen plant; boat landing facility; boatyard; bombing range; bowhunting club; bowhunting range; bowling club; bowling green; brick factory; brick yard; building or repairing boats; bus depot; bus terminal; cannery; car park; car repair shop; car sales yard; car storage and parking; caravan park; cargo storage; cashew production; cement plant; cereal crops; child care centre; children's playground; church; church hall; cinema; club; club hall; club room; clubhouse; coach terminal; college; commercial building development; commercial cropping; commercial property subdivision; community centre; community hall; community storage; compressor station; convention centre; council complex; council depot; council office; council works yard; court house; creche; crematorium; cricket club; cricket ground; crocodile research facility; cropping; crops; croquet club; croquet pitch; crushing plant; cultivation; cultural centre; Country Women's Association rest rooms; dairy; dam; day care centre; depot; development of tourist accommodation and facilities; disposal of dangerous goods; dog breeding; dressage-safe riding area; drive-in theatre; dry cleaners; dump; effluent disposal; equestrian centre; equestrian club; equestrian field; factory; feed hay agriculture; feed lot yard; fire station; fodder mill; football club; football ground; freight storage; fuel depot; funeral home; funeral parlour; game fishing club; game safari base; gaol; garbage dump; gas storage facility; Girl Guides cabin accommodation; Girl Guides hall; golf club; golf course; guest house; Guide hall; hall; hay production; hazardous industrial development; headquarters; health centre; health clinic; helicopter base; herb farm; Hindu temple; historic railway; hockey club; hockey pitch; holiday accommodation and facilities; homestead; horse and pony club; horse stable; horse yard; horticulture; hospital; hostel; hotel; indoor recreation; industrial development; industrial development on waterfront;

industrial purposes; industrial subdivision; inn; Islamic centre; kennel; kiln; laboratory; land-based aquaculture; land-based commercial prawn farm; land-based fish culture; landscaping supply depot; library; lodge room; mango farm; manufacturing; marina; market gardening; medical centre; meeting room; motel; motor racing circuit; motor sports; motorcross circuit or track; municipal depot; museum; netball club; netball court; nursery; nursing home; office; on-shore fishing base; on-shore houseboat base; on-shore tour boat base; optical fibre regenerator site; orchard; orchid nursery; oval; permanent construction camp accommodation; pharmacy; picture theatre; pistol club; pistol range; polocrosse club; polocrosse field; pony club; pony field; port-related industry; post office; pound; private sports club; protection of heritage building; public car park; racecourse; racing club; radio broadcast aerial station; radio repeater; radio tower; radio transmission tower; railway; rail line; Red Cross centre; refuse tip; research centre; residential development; residential purposes; residential subdivision; resource centre; restaurant; restoration of police station; retail shop; retirement village; rice growing; rifle club; rifle range; roadhouse; rural residence; sailing club; satellite receiving station; school; scientific research centre; Scout hall; seafarers' centre; seed production; senior citizens' centre; service station; sheltered workshop; ship's chandlery; ship maintenance facility; shop; shopping complex; showground; showroom; silviculture; slipway; social club; solid waste disposal facility; sports club; sports complex; sports field, pitch, stadium or oval; sports ground; sports training ground; stable; stock fodder production; stockyard; storage; storage of boats; studio; supermarket; surf life saving club; surgery; swimming club; swimming pool; table grape growing; tavern; temple; tennis club; tennis court; theatre; timber mill; tour base; tourist camel farm; tourist facilities; tourist information centre; tourist lodge; tourist theme park or facility; tower construction; transport depot; transport terminal; trucking yard; units for aged persons; university; vegetable production; vehicle sales yard; vehicle storage; warehouse; water retention basin; water treatment plant; wayside inn; weather station; wharf; wholesale outlet; women's refuge; workshop; yacht association; yacht club; youth centre; youth club; zoo.

- (8) A lease under section 68A, 68B, 68C, 68D, 68E, 68F, 68G or 68H of the *Crown Lands Act 1931-1991* of the Northern Territory.
- (9) A lease under section 112A of the *Crown Lands Act 1931-1991* of the Northern Territory.
- (10) A lease under section 2 of the *Darwin Leases (Special Purposes) Ordinance 1946* of the Commonwealth or section 3 of the *Darwin Short Term Leases Ordinance 1946* of the Commonwealth.
- (11) A lease under section 3 of the *Church Lands Leases Ordinance 1947* of the Commonwealth.
- (12) A lease under section 4 or 29A of the *Darwin Town Area Leases Act 1947-1979* of the Northern Territory.
- (13) A lease under section 16A, 16AA, 16B, 16C or 16D of the *Darwin Town Area Leases Act 1947-1979* of the Northern Territory.
- (14) A lease under section 5 of the *Crown Lands Act* of the Northern Territory.

Paper

Mr Williams presented a supplementary explanatory memorandum to the Bill.

Ordered—That consideration of the amendment moved by Mr Williams be postponed.

Debate continued on the question—That the Bill be agreed to.

Question—That the amendment moved by Mr Melham be agreed to—put.

The House divided (the Deputy Speaker, Mr Adams, in the Chair)—

AYES, 46

Mr Albanese	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr Andren	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Beddall	Mr E. L. Grace*	Mr McLeay	Mr Sercombe*
Mr Brereton	Mr Griffin	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Hatton	Mr Martin	Mr Tanner
Mr Crean	Mr Holding	Mr Melham	Dr Theophanous
Mrs Crosio	Mr Hollis	Mr A. A. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Jenkins	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Kerr	Mr Mossfield	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr O'Connor	
Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	

NOES, 83

Mr Abbott	Mrs Draper	Mr Lieberman	Mr Ruddock
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Scott
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr Slipper*
Mr Anthony	Mr Fahey	Mr McGauran	Mr A. C. Smith
Mr R. C. Baldwin	Mr Forrest	Mr McLachlan	Mr W. L. Smith
Mr Barresi	Mrs Gallus	Mr Marek	Dr Southcott
Mr Bartlett	Ms Gambaro	Mr Miles	Mrs Stone
Mr Billson	Mrs Gash	Mr Moore	Mr Taylor
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr A. P. Thomson
Mr Bradford	Ms Hanson	Mr Mutch	Mr Truss
Mr Broadbent	Mr Hardgrave	Mr Nairn	Mr Tuckey
Mr Brough	Mr Hawker	Mr Nehl	Mr M. A. J. Vaile
Mr Cadman	Mr Hicks*	Dr Nelson	Mrs D. S. Vale
Mr R. A. Cameron	Mr Hockey	Mr Neville	Mr Wakelin
Mr Campbell	Mrs Johnston	Mr Prosser	Mrs West
Mr Causley	Mr Juil	Mr Pyne	Mr Williams
Mr Charles	Mr Katter	Mr Randall	Dr Wooldridge
Mr Cobb	Mrs D. M. Kelly	Mr Reid	Ms Worth
Mr Costello	Miss J. M. Kelly	Mr Reith	Mr Zammit
Mr Dondas	Dr Kemp	Mr Ronaldson	

* Tellers

And so it was negated.

Question—That the amendments moved by Mrs D. M. Kelly be agreed to—put.

The House divided (the Deputy Speaker, Mr Adams, in the Chair)—

AYES, 5

Mr Campbell*	Mr Katter*	Mr Marek
Ms Hanson	Mrs D. M. Kelly*	

NOES, 122

Mr Abbott	Mrs Elson	Mr Lee	Mr Reid
Mr Albanese	Mr Entsch	Mr Lieberman	Mr Ronaldson
Mr Anderson	Mr G. J. Evans	Mr Lloyd	Mr Ruddock
Mr Andren	Mr M. J. Evans	Mr McArthur	Mr Sawford*
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McClelland	Mr Scott
Mr K. J. Andrews	Mr Fahey	Mr McDougall	Mr Sercombe
Mr Anthony	Mr L. D. T. Ferguson	Mr McGauran	Mr Sinclair
Mr P. J. Baldwin	Mr M. J. Ferguson	Ms Macklin	Mr Slipper
Mr R. C. Baldwin	Mr Fitzgibbon	Mr McLachlan	Mr S. F. Smith
Mr Barresi	Mr Forrest	Mr McLeay	Mr W. L. Smith
Mr Bartlett	Mrs Gallus	Mr McMullan	Dr Southcott
Mr Beddall	Ms Gambaro	Mr Martin	Mrs Stone
Mr Billson	Mrs Gash	Mr Melham	Mr Tanner
Mrs Bishop	Mr Georgiou	Mr Miles	Mr Taylor
Mr Bradford	Mr E. L. Grace*	Mr Moore	Dr Theophanous
Mr Brereton	Mr Griffin	Mr A. A. Morris	Mr A. P. Thomson
Mr Broadbent	Mr Hardgrave	Mr P. F. Morris	Mr K. J. Thomson
Mr Brough	Mr Hatton	Mr Mossfield	Mr Truss
Mr Brown	Mr Hawker	Mrs Moylan	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Mutch	Mr M. A. J. Vaile
Mr R. A. Cameron	Mr Hockey	Mr Nairn	Mrs D. S. Vale
Mr Causley	Mr Holding	Mr Nehl	Mr Wakelin
Mr Charles	Mr Hollis	Dr Nelson	Mrs West
Mr Cobb	Mr Jenkins	Mr Neville	Mr Williams
Mr Costello	Mrs Johnston	Mr O'Connor	Mr Willis
Mr Crean	Mr Jull	Mr O'Keefe	Mr Wilton
Mrs Crosio	Miss J. M. Kelly	Mr Price	Dr Wooldridge
Mr Dargavel	Dr Kemp	Mr Prosser	Ms Worth
Mr Dondas	Mr Kerr	Mr Pyne	Mr Zammit
Mrs Draper	Mr Latham	Mr Quick	
Ms Ellis	Dr Lawrence	Mr Randall	

* Tellers

And so it was negatived.

Question—That the amendment moved by Mr Williams be agreed to—proposed.

Mrs D. M. Kelly, by leave, moved the following amendments to the proposed amendment together:

Item 3, omit all references to leases under the *Western Lands Act 1901*, substitute:

“Any lease (including a conditional lease or a special lease) issued or held under the *Western Lands Act 1901*.”

After item 32, insert:

32A Land Act 1994

Pastoral leases as defined in the Act.

Question—That the amendments to the proposed amendment be agreed to—
put.

The House divided (the Deputy Speaker, Mr Adams, in the Chair)—

AYES, 5

Mr Campbell*	Mr Katter*	Mr Marek
Ms Hanson	Mrs D. M. Kelly*	

NOES, 104

Mr Abbott	Ms Ellis	Mr Latham	Mr Price
Mr Albanese	Mrs Elson	Dr Lawrence	Mr Prosser
Mr Andren	Mr Entsch	Mr Lee	Mr Quick
Mr J. N. Andrew	Mr G. J. Evans	Mr Lieberman	Mr Randall
Mr K. J. Andrews	Mr M. J. Evans	Mr Lloyd	Mr Reid
Mr Anthony	Mr R. D. C. Evans	Mr McArthur*	Mr Ronaldson
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr McClelland	Mr Sawford*
Mr R. C. Baldwin	Mr M. J. Ferguson	Mr McDougall	Mr Scott
Mr Barresi	Mr Fitzgibbon	Mr McGauran	Mr Sercombe*
Mr Bartlett	Mr Forrest	Ms Macklin	Mr Sinclair
Mr Beddall	Mrs Gallus	Mr McLeay	Mr Slipper*
Mr Billson	Ms Gambaro	Mr McMullan	Mr S. F. Smith
Mr Bishop	Mrs Gash	Mr Martin	Dr Southcott
Mr Bradford	Mr E. L. Grace*	Mr Melham	Mrs Stone
Mr Brereton	Mr Griffin	Mr Miles	Mr Tanner
Mr Brough	Mr Hardgrave	Mr Moore	Mr Taylor
Mr Brown	Mr Hatton	Mr A. A. Morris	Dr Theophanous
Mr Cadman	Mr Hicks*	Mr P. F. Morris	Mr K. J. Thomson
Mr R. A. Cameron	Mr Hockey	Mr Mossfield	Mr Truss
Mr Charles	Mr Holding	Mrs Moylan	Mr Tuckey
Mr Cobb	Mr Hollis	Mr Mutch	Mr M. A. J. Vaile
Mr Crean	Mr Jenkins	Mr Nehl	Mrs D. S. Vale
Mrs Crosio	Mrs Johnston	Dr Nelson	Mrs West
Mr Dargavel	Mr Jull	Mr Neville	Mr Williams
Mr Dondas	Miss J. M. Kelly	Mr O'Connor	Mr Willis
Mrs Draper	Mr Kerr	Mr O'Keefe	Ms Worth

* Tellers

And so it was negatived.

Amendment moved by Mr Williams agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Mr Williams, by leave, moved—That the Bill be now read a third time.

Question—put.

The House divided (the Deputy Speaker, Mr Adams, in the Chair)—

AYES, 80

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Ronaldson
Mr Anderson	Mr Entsch	Mr Lloyd	Mr Ruddock
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McArthur*	Mr Scott
Mr K. J. Andrews	Mr Fahey	Mr McDougall	Mr Sinclair
Mr Anthony	Mr Filing	Mr McGauran	Mr Slipper*
Mr R. C. Baldwin	Mr Forrest	Mr McLachlan	Mr W. L. Smith
Mr Barresi	Mrs Gallus	Mr Marek	Dr Southcott
Mr Bartlett	Ms Gambaro	Mr Miles	Mrs Stone
Mr Billson	Mrs Gash	Mr Moore	Mr Taylor
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr A. P. Thomson
Mr Bradford	Mr Hardgrave	Mr Mutch	Mr Truss
Mr Broadbent	Mr Hawker	Mr Nairn	Mr Tuckey
Mr Brough	Mr Hicks*	Mr Nehl	Mr M. A. J. Vaile
Mr Cadman	Mr Hockey	Dr Nelson	Mrs D. S. Vale
Mr R. A. Cameron	Mrs Johnston	Mr Neville	Mr Wakelin
Mr Causley	Mr Jull	Mr Prosser	Mrs West
Mr Charles	Mr Katter	Mr Pyne	Mr Williams
Mr Cobb	Mrs D. M. Kelly	Mr Randall	Dr Wooldridge
Mr Dondas	Miss J. M. Kelly	Mr Reid	Ms Worth
Mrs Draper	Dr Kemp	Mr Rocher	Mr Zammit

NOES, 46

Mr Albanese	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr Andren	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Beddall	Mr E. L. Grace*	Mr McLeay	Mr Sercombe*
Mr Brereton	Mr Griffin	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Hatton	Mr Martin	Mr Tanner
Mr Crean	Mr Holding	Mr Melham	Dr Theophanous
Mrs Crosio	Mr Hollis	Mr A. A. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Jenkins	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Kerr	Mr Mossfield	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr O'Connor	
Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	

* Tellers

And so it was resolved in the affirmative—Bill read a third time.

19 ADJOURNMENT NEGATIVED

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Mrs Bishop (Minister for Defence Industry, Science and Personnel) requiring the question to be put forthwith without debate—

Question—put and negatived.

20 CUSTOMS TARIFF AMENDMENT BILL (NO. 5) 1997 [NO. 2]—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mrs Bishop (Minister for Defence Industry, Science and Personnel), by leave, the Bill was read a third time.

21 EXCISE TARIFF AMENDMENT BILL (NO. 5) 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mrs Bishop (Minister for Defence Industry, Science and Personnel), by leave, the Bill was read a third time.

22 STATES GRANTS (GENERAL PURPOSES) AMENDMENT BILL (NO. 2) 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mrs Bishop (Minister for Defence Industry, Science and Personnel), by leave, the Bill was read a third time.

23 DEFENCE SERVICE HOMES AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mrs Bishop (Minister for Defence Industry, Science and Personnel), by leave, the Bill was read a third time.

24 ADJOURNMENT

Mrs Bishop (Minister for Defence Industry, Science and Personnel) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Deputy Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 29 October 1997:

Acts Interpretation Act—

Statement relating to failure to furnish periodic report within specified period—
Department of Administrative Services—Report for 1996-97.

Statement relating to extension of time for presentation of periodic report—
Coal Mining Industry (Long Service Leave Funding) Corporation—Report for
1996-97.

Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 1997 No.
296.

Public Service Act—Determinations 1997 Nos. SESROB 112, SESROB 113,
SESROB 114, SESROB 115, SESROB 116, SESROB 117, SESROB 118.

Student and Youth Assistance Act—Regulations—Statutory Rules 1997 No.
302.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr E. H.
Cameron, Mrs E. J. Grace, Mr Howard, Mr Jones, Mr Lindsay, Mr Somlyay
and Mrs Sullivan.

I. C. HARRIS

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 124

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

WEDNESDAY, 29 OCTOBER 1997

1 The Main Committee met at 10 a.m.

2 **CUSTOMS TARIFF AMENDMENT BILL (NO. 5) 1997 [NO. 2]**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

3 **EXCISE TARIFF AMENDMENT BILL (NO. 5) 1997**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question—put and passed—Bill read a second time.

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

4 **STATES GRANTS (GENERAL PURPOSES) AMENDMENT BILL (NO. 2) 1997**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Suspension of sitting

At 11.12 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.32 a.m., the proceedings were resumed.

Debate continued.

Suspension of sitting

At 11.37 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.47 a.m., the proceedings were resumed.

Question—put and passed—Bill read a second time.

Message from the Governor-General

Message No. 203, dated 22 October 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

5 DEFENCE SERVICE HOMES AMENDMENT BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Paper

Mr Scott (Minister for Veterans' Affairs), by leave, presented the following paper:

Defence service home loans—Table of interest rates.

Question—put and passed—Bill read a second time.

Message from the Governor-General

Message No. 204, dated 20 October 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

6 ADJOURNMENT

On the motion of Mr Scott (Minister for Veterans' Affairs), the Main Committee adjourned at 1 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.



B. C. WRIGHT
Clerk of the Main Committee