

Queensland



SPECIAL FREEHOLDING OF LEASES ACT 1991

**Reprinted as in force on 13 January 1994
(includes amendments up to Act No. 67 of 1993)**

Reprint No. 2

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 13 January 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

This page is specific to the reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



SPECIAL FREEHOLDING OF LEASES ACT 1991

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SPECIAL FREEHOLDING OF LEASES ACT 1991

[as amended by all amendments that commenced on or before 13 January 1994²]

An Act to standardise the freeholding under the *Mining Titles Freeholding Act 1980* of certain leases under the *Land Act 1962*, the *State Housing Act 1945* and the *Miners' Homestead Leases Act 1913*

Short title

1. This Act may be cited as the *Special Freeholding of Leases Act 1991*³⁻⁶.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Definitions

3. In this Act—

“**chief executive**” means chief executive of the department;

“**Commission**” has the meaning given by section 4 of the *State Housing Act 1945*;

“**lease**” means a lease referred to in section 4;

“**lessee**” means a registered lessee of a lease referred to in section 4;

“**relevant authority**” means—

(a) in the case of a lease mentioned in section 4(1)(a)—the Commission; or

(b) in the case of a lease mentioned in section 4(1)(b)—the chief

executive.

Application of Act

4.(1) This Act applies to—

- (a) a perpetual town lease or a perpetual suburban lease that may be converted under section 4 of the *State Housing (Freeholding of Land) Act 1957*; and
- (b) a perpetual town lease (non-competitive lease), a perpetual suburban lease (non-competitive lease), a perpetual country lease (non-competitive lease) and a special lease under the *Land Act 1962*;

if the lease—

- (c) existed before 25 March 1991; and
- (d) is in an area referred to in subsections (2), (2A) and (2B); and
- (e) is registered in the name of a person referred to in subsection (3); and
- (f) is used for residential purposes; and
- (g) does not exceed 4047 m².

(2) A lease referred to in subsection (1) is to be in an area delineated on plan numbers M469, M471, M472, M473, M474, M475 and M476 in the department.

(2A) These areas are generally in the vicinity of Mount Isa, Cloncurry, Charters Towers, Collinsville, Scottville, Mount Morgan and Gympie.

(2B) Other areas may be prescribed.

(3) A lease is to be registered in the name of—

- (a) an individual; or
- (b) a person who, or who is trustee for an organisation that, uses the land to house Aboriginal people within the meaning of the *Aboriginal Land Act 1991* or Torres Strait Islanders within the meaning of the *Torres Strait Islander Land Act 1991*.

(4) An area is not to be prescribed for the purposes of subsection (2B)

unless—

- (a) the leasehold tenure in the area is predominantly miner's homesteads within the meaning of the *Miners' Homestead Leases Act 1913*; and
- (b) it contains leases—
 - (i) granted under the *State Housing Act 1945* or the *Land Act 1962* before 25 March 1991; and
 - (ii) held in the name of a person mentioned in subsection (3); and
 - (iii) used for residential purposes; and
- (c) in the opinion of the Governor in Council, it is substantially reliant, or has been substantially reliant, on the mining industry.

Application to freehold

5.(1) A lessee of a lease to which this Act applies may apply to the relevant authority to have the lease taken to be a lease for a term of years subject to a covenant entitling the lessee to a deed of grant in fee simple.

(2) If the application is granted, the lease is to start on a day determined by the relevant authority.

(3) No fees are payable on an application under this section.

Application of Mining Titles Freeholding Act

6. Parts 1 and 3 of the *Mining Titles Freeholding Act 1980* apply to an application to freehold a lease as if it were a miner's homestead perpetual lease under that Act, except where inconsistent with this Act.

Application of other Acts

7. The *Land Act 1962* and the *State Housing (Freeholding of Land) Act 1957* apply to—

- (a) the time and place of payment of rent or instalments; and
- (b) forfeiture for non-payment of rent or instalments; and

- (c) registration of dealings; and
- (d) preservation of encumbrances on issue of deed of grant.

References to Minister and officers

8.(1) For the purposes of this Act a reference to the “Minister” in the *Mining Titles Freeholding Act 1980* is taken to be a reference to—

- (a) in the case of a lease mentioned in section 4(1)(a)—the Minister administering the *State Housing (Freeholding of Land) Act 1957*; and
- (b) in the case of a lease mentioned in section 4(1)(b)—the Minister administering the *Land Act 1962*.

(2) A reference to the “registrar of miners’ homesteads” in the *Mining Titles Freeholding Act 1980* is taken to be a reference to the relevant authority.

Delegation

9.(1) A Minister may delegate all or any of the Minister’s powers under this Act to any officer of the department.

(2) The Commission may delegate all or any of its powers under this Act to any officer of the department administered by the Minister administering the *State Housing Act 1945*.

(3) The chief executive may delegate all or any of the chief executive’s powers under this Act to any officer of the department administered by the Minister administering the *Land Act 1962*.

Regulations

10. The Governor in Council may make regulations for the purposes of this Act.

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 13 January 1994. Future amendments of the Special Freeholding of Leases Act 1991 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	none	1 October 1992

4 List of legislation

Special Freeholding of Leases Act 1991 No. 64

date of assent 17 October 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 31 December 1991 (1991 SL No. 225)

as amended by—

Lands Legislation Amendment Act 1993 No. 67 s 3 Sch 1

date of assent 23 November 1993

commenced 10 December 1993 (1993 SL No. 453)

5 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Definitions

- s 3 def “**chief executive**” ins 1993 No. 67 s 3 Sch 1
 def “**Director-General**” om 1993 No. 67 s 3 Sch 1
 def “**relevant authority**” amd 1993 No. 67 s 3 Sch 1

Application of Act

- s 4 amd 1993 No. 67 s 3 Sch 1

Application to freehold

- s 5 amd 1993 No. 67 s 3 Sch 1

Delegation

- s 9 amd 1993 No. 67 s 3 Sch 1

Regulations

- s 10 sub 1993 No. 67 s 3 Sch 1

6 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
 under section 43 of Reprints Act 1992

Previous	Renumbered as
4(2) (2nd sentence)	4(2A)
4(2) (3rd sentence)	4(2B)