

Queensland



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 21 of 1971

**An Act to Amend the River Improvement Trust Act  
1940–1968 in certain particulars**

[ASSENTED TO 21ST APRIL, 1971]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *River Improvement Trust Act Amendment Act 1971*.

(2) The *River Improvement Trust Act 1940–1968* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be collectively cited as the *River Improvement Trust Act 1940–1971*.

**2. Amendment of s. 2.** Section 2 of the Principal Act is amended by, in subsection (1), omitting from the definition "Works" the words "from the water of" where they occur in paragraph (a) and inserting in their stead the words "from the water or".

**3. Amendment of s. 11.** Section 11 of the Principal Act is amended by, in subsection (1), omitting the word "regulation" and inserting in its stead the word "regulate".

**4. New s. 11A.** The Principal Act is amended by inserting after section 11 the following section:—

**" 11A. Notification of existence of improvement notice.** (1) As soon as practicable after a Trust has given an improvement notice pursuant to section 11 of this Act the Trust shall furnish notification of the giving of the notice—

(a) in the case of a notice relating to freehold land, to the Registrar of Titles at Brisbane or, as the situation of the land concerned may require, to the Local Deputy Registrar of Titles at Rockhampton or Townsville;

(b) in the case of a notice relating to land other than freehold land, to the Registrar of Dealings, Department of Lands, at Brisbane or, as the case may require, to any other person charged with the duty of recording in a public register dealings affecting the land.

(2) The registrar or other person to whom sufficient notification of the giving of an improvement notice is furnished pursuant to subsection (1) of this section—

(a) shall, according to the request of the Trust by which the notification is given,—

(i) endorse a memorial of the instrument of notification on the copy held in his office of the instrument of title to the land to which the improvement notice relates or in the register kept of dealings in respect of that land; or

(ii) make on that copy of such instrument of title or in that register a noting that records the fact of the giving of an improvement notice in respect of the land to which the title or, as the case may be, the register and the improvement notice relate; and

(b) when the memorial is endorsed or the noting is made on a copy of the instrument of title, shall—

(i) when the other copy of the instrument of title to the land comes into his possession, endorse a like memorial or, as the case may be, make a like noting on that copy; and

(ii) whenever a fresh instrument of title to the whole or part of the land to which the improvement notice relates is issued, endorse a like memorial or, as the case may be, make a like noting on every copy of that instrument unless he has, in the meantime, been notified that the improvement notice has ceased to subsist or to operate and he has complied with subsection (3) of this section so far as he has been able in relation thereto; and

(c) in the case of land that comprises a holding under the *Land Act 1962-1970* shall—

(i) when a fresh instrument of lease is issued in circumstances specified in subsection (1) of section 284 of that Act, endorse a memorial of the instrument of notification or make a noting that records the fact of the existence of an improvement notice in respect of the land (whichever record was theretofore made in respect of the land) in the new register kept of dealings in respect of that land;

(ii) when a grant of the land in fee-simple is made, shall transmit to the Registrar of Titles a copy of any subsisting entry in the register kept in the Department of Lands that relates to the improvement notice given in respect of the land, together with the original or a copy of the notification furnished to him of the giving of the improvement notice and the Registrar of Titles shall comply with paragraphs (a) and (b) of this subsection in respect of the deed of grant and any other instrument of title to the land or part thereof as if the notification of the giving of the improvement notice had been given to him in the first instance.

(3) As soon as practicable after an improvement notice has ceased to subsist or to operate in respect of any land the Trust by which it was given shall furnish notification of that fact to the registrar or other person to whom notification of the giving of the improvement notice was furnished pursuant to subsection (1) of this section and upon receipt of sufficient notification such registrar or other person—

(a) where a memorial is endorsed or a noting is made on the instrument of title to the land, shall—

(i) in the case of a memorial so endorsed, suitably endorse that memorial on the copy held in his office of the instrument of title and on the other copy thereof when it comes into his possession that the improvement notice to which it relates has ceased to subsist or to operate in respect of the land identified in the notification;

(ii) in the case of a noting so made, cancel the noting as far as it relates to the land identified in the notification on the copy held in his office of the instrument of title and on the other copy thereof when it comes into his possession;

(b) where a memorial is endorsed or a noting is made in a register kept of dealings in respect of the land, shall—

(i) in the case of a memorial so endorsed, suitably endorse that memorial that the improvement notice to which it relates has ceased to subsist or to operate in respect of the land identified in the notification;

(ii) in the case of a noting so made, cancel the noting as far as it relates to the land identified in the notification.

Save as is prescribed by this subsection a memorial endorsed or noting made on an instrument of title or in a register pursuant to subsection (2) of this section shall not be removed or otherwise affected.

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(4) A notification given pursuant to subsection (1) or (3) of this section shall identify the land in respect of which the improvement notice was given or, as the case may be, has ceased to subsist or to operate and shall in all respects be in a form acceptable to the Registrar of Titles, the Registrar of Dealings, or other person, to whom it is given.”