

Queensland



FOREIGN GOVERNMENTS (TITLES TO LAND) ACT 1948

**Reprinted as in force on 15 January 1996
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 1 *

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

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This Act is reprinted as at 15 January 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**

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FOREIGN GOVERNMENTS (TITLES TO LAND) ACT 1948

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FOREIGN GOVERNMENTS (TITLES TO LAND) ACT 1948

[as amended by all amendments that commenced on or before 15 January 1996]

An Act to empower governments of countries outside the Commonwealth and their accredited agents to hold land in Queensland for diplomatic, consular, and official purposes

1 Short title

This Act may be cited as the *Foreign Governments (Titles to Land) Act 1948*.

2 Purposes for which foreign governments may hold land

Subject to this Act, the government of any country outside the Commonwealth or any accredited agent of that government may, notwithstanding any prohibition, disqualification, or limitation imposed by any Act or law, hold land in Queensland for any estate or interest therein (including an interest in a lease granted under the *Land Act 1994*) for any diplomatic, consular, or official purpose of that government or for the purpose of an official residence for any accredited agent of that government or for all or any number of those purposes.

3 Authority for foreign government to hold land in Queensland

The government of a foreign country, or the accredited agent of a government of a foreign country, may only hold an estate or interest in land in Queensland for a purpose mentioned in section 2 if the Governor in Council has, by gazette notice, authorised the country or agent to hold the estate or interest.

4 Registration of title of foreign government to land

(1) The registrar of titles or the chief executive may, upon being satisfied that the government of any country outside the Commonwealth or any accredited agent of that government has acquired any estate or interest in land in Queensland and that the Governor in Council has authorised such government or accredited agent to hold such estate or interest, register such government or accredited agent as the holder of such estate or interest.

(1A) An accredited agent may be so registered by the accredited agent's official title or designation, in which case the person from time to time holding, or performing the functions of, the office to which such official title or designation applies shall for the purposes of this Act be the holder of the estate or interest registered in such official title or designation.

(2) The government of any country outside the Commonwealth or any accredited agent of that government may (subject to every other party to the transaction being capable in law of being such party) at any time convey and transfer or otherwise deal with any estate or interest held by it, him or her in any land in Queensland.

(3) Any transfer, instrument, or other document or writing whatsoever required to be executed for the purpose of conveying or transferring or otherwise dealing with any estate or interest in land to or from the government of any country outside the Commonwealth may be executed for or on behalf of such government by any accredited agent of that government or by any person thereunto appointed by any such accredited agent.

(4) A certificate under the hand of the Minister that any person named therein is the accredited agent of the country outside the Commonwealth specified in such certificate or that any person named therein is the person for the time being holding or performing the functions of the office to which an official title or designation specified in such certificate applies shall be sufficient proof to the registrar of titles or the chief executive of any fact so certified.

(5) In this section—

“**chief executive**” means the chief executive of the department administering the *Land Act 1994*.

5 Exemption from land tax and rates

Despite any other Act, a regulation may exempt land held under an authorisation mentioned in section 3 from liability to land tax or rates if—

- (a) the Commonwealth, or an accredited agent of the Commonwealth, holds land in a foreign country for a diplomatic, consular or official purpose of the Commonwealth; and
- (b) the land is exempt from all or any of the taxed and rates charged on land under the laws of the country;

6 Extent of application of State law

(1) The government of any country outside the Commonwealth or any accredited agent of that government shall in respect of any land held by it or the accredited agent pursuant to this Act have and enjoy all rights and privileges which would be had and enjoyed by a private person if such land were held by such private person but, subject to the foregoing provisions of this section, and to the provisions of section 5, no right, privilege, or immunity excepting such rights, privileges, and immunities as by law or custom are accorded to diplomatic, consular, and official representatives of countries outside the Commonwealth, their families and employees, shall attach to, arise out of, or be claimable by any person whomsoever by reason of the holding by the government of any country outside the Commonwealth or any accredited agent of that government of any land in Queensland.

(2) Moreover subject to observing all such rights, privileges, and immunities as are by law or custom accorded to diplomatic, consular, and official representatives of countries outside the Commonwealth, their families and employees, all laws of this State shall, except as otherwise provided under this Act, be enforceable and may be enforced with respect to such land and persons and things therein or thereon to the same extent as such laws would be enforceable and could be enforced if such land were held by a private person.

7 Regulation making power

The Governor in Council may make regulations under this Act.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 15 January 1996. Future amendments of the Foreign Governments (Titles to Land) Act 1948 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key**Key to abbreviations in list of legislation and annotations**

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

Foreign Governments (Titles to Land) Act 1948 12 Geo 6 No. 12

date of assent 1 April 1948

commenced on date of assent

amending legislation—

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1

date of assent 3 June 1993

commenced on date of assent

Statute Law Revision (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Purposes for which foreign governments may hold land

s 2 amd 1995 No. 58 s 4 sch 1

Authority for foreign government to hold land in Queensland

s 3 sub 1993 No. 32 s 3 sch 1

Registration of title of foreign government to land

s 4 amd 1995 No. 58 s 4 sch 1

Exemption from land tax and rates

s 5 sub 1993 No. 32 s 3 sch 1; 1995 No. 58 s 4 sch 1

Regulation making power

s 7 ins 1995 No. 58 s 4 sch 1

6 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS

under the Reprints Act 1992 s 44

Provision	Description
5(b)	om 'taxed' ins 'taxes'

7 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS

under the Reprints Act 1992 s 43

Previous	Renumbered as
4(1), 2nd sentence	4(1A)
6, 1st sentence	6(1)
6, 2nd sentence	6(2)