

Land Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 271

made under the

Land Act 1994

General Outline

Short title

Land Amendment Regulation (No. 1) 2014

Authorising law

Sections 34D(3) and 448 of the *Land Act 1994*

Policy objectives and the reasons for them

The *Land Act 1994* allows for lessees to apply for conversion of their leases to freehold subject to certain requirements. The *Land Act 1994* is being amended by deleting the appeal provision relating to the purchase price for leases being converted to freehold and including this provision in the *Land Regulation 2009* which is the most appropriate legislation as the *Land Regulation 2009* defines how the purchase price is calculated.

Section 34D(3) of the *Land Act 1994* requires that if all or part of a reserve for cemetery purposes has been used for cemetery purposes, the dedication of all or part may be revoked only if a regulation authorises the revocation. Before a regulation can be made that authorises the revocation a thorough investigation needs to be undertaken to ensure that there are no graves in the area being revoked or if remains are found that they are properly exhumed and reinterred.

Achievement of policy objectives

The policy objectives of the *Land Act 1994* will be achieved by moving the appeal provisions relating to the purchase price for leases being converted to freehold to the *Land Regulation 2009* as it is now the *Land Regulation 2009* that defines how the purchase price for State land is calculated.

The *Land Amendment Regulation (No. 1) 2014* will also authorise the partial revocation of the Southport Cemetery so that the land being revoked can be set aside as road for the Gold Coast Light Rail.

Consistency with policy objectives of authorising law

The *Land Amendment Regulation (No. 1) 2014* is consistent with the objectives of the *Land Act 1994* as land is evaluated for its most appropriate use and tenure and if that tenure is to be freehold how the purchase price of that land is addressed. The *Land Regulation 2009* is the most appropriate legislation to deal with these operational issues.

The authorisation of the partial revocation of the Southport Cemetery is also consistent with the administrative provisions of the *Land Act 1994* ensuring that the community can benefit from the use of this land for another purpose being the Gold Coast Light Rail. A thorough investigation was undertaken on the land to be revoked from the Southport Cemetery which included the exhumation of the remains of 3 deceased bodies.

Inconsistency with policy objectives of other legislation

The *Land Amendment Regulation (No. 1) 2014* is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no additional costs in relation to the moving of the appeal provision on the purchase price for leases that were issued under the *Land Act 1994* being converted to freehold from the *Land Act 1994* to the *Land Regulation 2009* as both the *Land Act 1994* and the *Land Amendment Regulation (No.1) 2014* are administered by the Department. There is also no additional cost involved for the partial revocation of the Southport Cemetery reserve.

Consistency with fundamental legislative principles

The amendments being made to the *Land Act 1994* are also consistent with the fundamental legislative principles as there is no change to a lessee's right to appeal against the purchase price of leases being converted to freehold other than the appeal provisions are now being moved to the *Land Regulation 2009*.

A thorough investigation was undertaken on the land to be revoked from the Southport Cemetery which confirmed that there were 3 burial sites. The remains from these sites were exhumed and reinterred within the Southport Cemetery. Full religious services were undertaken as part of the reinterment.

Consultation

Consultation was undertaken with the Gold Coast City Council as trustee of the Southport Cemetery reserve. The Gold Coast City Council offered no objections to the area being revoked.

The Gold Coast Rapid Transit also engaged in public consultation in relation to all areas being required for the Gold Coast Rapid Transit Project which also included consultation with the Queensland South Native Title Services Limited. This consultation was also undertaken with the relatives of the deceased whose remains were exhumed.

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